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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Case No. 0:23-cv-01527-NEB-JFD

MELINDA and MARK LOE, et al.,

Plaintiffs,

v.

WILLIE JETT, et al.,

Defendants.

DEPOSITION OF COMMISSIONER WILLIE JETT

Taken Wednesday, February 7, 2024

Scheduled for 9:00 a.m. CST

REPORTED BY: DANA S. ANDERSON-LINNELL

Job No.: PA 6425281

<p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF COMMISSIONER WILLIE JETT taken on 2 Wednesday, February 7, 2024, commencing at 9:04 a.m. 3 CST, at the offices of Lathrop GPM, 80 South Eighth 4 Street, 3100 IDS Center, Minneapolis, Minnesota, 5 before Dana S. Anderson-Linnell, a Stenographic 6 Shorthand Reporter and Notary Public of and for the 7 State of Minnesota. 8 ***** 9 10 APPEARANCES 11 12 On Behalf of the Plaintiffs: 13 Benjamin A. Fleshman, Esquire 14 Eric S. Baxter, Esquire 15 Diana Verm Thomson, Esquire 16 Andrea Butler, Esquire 17 THE BECKET FUND FOR RELIGIOUS LIBERTY 18 1919 Pennsylvania Avenue, N.W. 19 Washington, D.C. 20006 20 Email: bfleshman@becketlaw.org 21 ebaxter@becketlaw.org 22 dthomson@becketlaw.org 23 abutler@becketlaw.org 24 25 (Appearances continued on next page.)</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX PAGE 2 3 WITNESS: WILLIE JETT 4 EXAMINATION BY: 5 Mr. Fleshman 6 6 7 INSTRUCTIONS NOT TO ANSWER: (None.) 8 9 PRODUCTION REQUESTS: 50 10 11 INDEX OF EXHIBITS: 12 13 Exhibit 1 - Postsecondary Enrollment 14 Options (PSEO) Reference Guide, 15 Bates MDE001535 to 1568 38 16 17 Exhibit 2 - Rigorous Course Taking: 18 Advance Placement, International Baccalaureate, 19 Concurrent Enrollment and Postsecondary 20 Options Programs, Bates MDE000451 to 522 57 21 22 Exhibit 3 - GoTranscript dated 23 March 8, 2023 69 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of the Plaintiffs: 4 Richard C. Landon, Esquire 5 Lathrop GPM, LLP 6 80 South Eighth Street 7 3100 IDS Center 8 Minneapolis, MN 55402 9 Email: richard.landon@lathropgpm.com 10 11 On Behalf of the Defendants: 12 Jeffrey Timmerman, Esquire 13 Madeleine DeMeules, Esquire 14 OFFICE OF THE MINNESOTA ATTORNEY GENERAL 15 445 Minnesota Street, Suite 1400 16 St. Paul, MN 55101 17 Email: jeffrey.timmerman@ag.state.mn.us 18 madeleine.demeules@ag.state.mn.us 19 20 NOTE: The original transcript will be filed with The 21 Becket Fund for Religious Liberty, pursuant to the 22 applicable Rules of Civil Procedure. 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX OF EXHIBITS (continued): PAGE 2 3 Exhibit 4 - Email dated 3/16/2023, 4 Bates LOE00001567 to 68 79 5 6 Exhibit 5 - Email dated March 9, 2023, 7 Bates MDE001716 to 1720 87 8 9 (Original exhibits attached to original transcript; 10 copies to counsel as requested.) 11 12 REPORTER'S NOTE: All quotations from exhibits are 13 reflected in the manner in which they were read into 14 the record and do not necessarily indicate an exact 15 quote from the document. 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 6</p> <p>1 WILLIE JETT, 2 called as a witness, being first duly sworn, 3 was examined and testified as follows: 4 EXAMINATION 5 BY MR. FLESHMAN: 6 Q. Can you please state your full name for 7 the record? 8 A. Willie Lee Jett, II. 9 Q. Thank you. And you understand that 10 today I'm here to ask you questions in the 11 context of the lawsuit Loe versus Jett, is that 12 right? 13 A. Correct. 14 Q. And you understand that the lawsuit is a 15 challenge to the 2023 amendment to the PSEO Act 16 that prohibits the use of PSEO funds at schools 17 that restrict admissions based on religion or 18 other protected characteristics, right? 19 A. Yes. 20 Q. Okay. So when I refer to -- I may refer 21 to "the amendment" as we're talking in some of 22 these questions. And when I refer to "the 23 amendment," that's what I'll be referring to, 24 is that 2023 amendment. 25 A. Sure.</p>	<p style="text-align: right;">Page 8</p> <p>1 clearer. 2 A. Okay. 3 Q. We'll try to take breaks every hour, 4 hour and a half, but if you need a break before 5 then, just let me know. We'll find a stopping 6 spot so that you can take a break for whatever 7 you need. 8 Commissioner Jett, is there any reason 9 that you wouldn't be able to give full and 10 complete testimony today? 11 A. No. 12 Q. Have you ever been deposed before? 13 A. No. 14 Q. Have you ever testified in court before? 15 A. No. Yes. As a principal, yes. 16 Q. Okay. As a principal? 17 A. Yes. 18 Q. Just the one time? 19 A. Uh-huh. 20 Q. What was the case about? 21 A. Some students and an assault. 22 Q. Okay. And what was your -- you were 23 testifying as the principal -- 24 A. Yes. 25 Q. -- in the case? Were you testifying not</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Is that all right? 2 A. Yes. 3 Q. Okay. And you understand that today 4 you're answering under oath, correct? 5 A. Yes. 6 Q. Okay. And as we're going, the reporter 7 is going to be taking everything down that we 8 say, and so you and I -- I sometimes speak a 9 little fast, but hopefully between the two of 10 us we can slow ourselves down a little bit so 11 that she can catch everything that we're 12 saying. And last, that we try not to talk over 13 each other, so I'll try to let you finish your 14 answers before I ask any more questions, you 15 just let me finish my questions before you 16 start your answers. Sound good? 17 A. Yes. 18 Q. Okay. And try to make sure that we're 19 giving verbal answers, so yes or no instead of 20 uh-huh or uh-uh or nodding heads. Those kinds 21 of things are hard to take down. 22 A. Understood. 23 Q. Thank you. And, of course, if you don't 24 understand a question, just let me know. I'll 25 try to rephrase it so that it's a little</p>	<p style="text-align: right;">Page 9</p> <p>1 as a defendant but just as a witness in the 2 case? 3 A. Yes. 4 Q. Do you remember what the name of the 5 case was? 6 A. No. 7 Q. About how long ago was that? 8 A. Eighteen, 19 years ago. 9 Q. Okay. Was that here in Minnesota or -- 10 A. Yes. 11 Q. Have you ever been a plaintiff or a 12 defendant in a case before? 13 A. No. 14 Q. Do you keep a journal? 15 A. No. 16 Q. Do you maintain a calendar for work? 17 A. Yes. 18 Q. Do you keep a to-do list for some items 19 that you have to do on a regular basis? 20 A. Yes. 21 Q. Do you have a notebook where you take 22 notes of meetings? 23 A. No. 24 Q. Do you keep an electronic record of 25 notes on your computer?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Yes. It depends. 2 Q. It depends? 3 A. Uh-huh. 4 Q. What would it depend on, just the nature 5 of the meeting or... 6 A. What it has depended on in my recent 7 position was: Did I have technology? 8 Q. Oh, have you not always had access to 9 good technology in your recent position? 10 A. In the very beginning. 11 Q. Okay. Interesting. Since this lawsuit 12 was filed, have you looked in your records for 13 any documents that relate to the lawsuit? 14 A. Yes. 15 Q. What did you find? 16 A. Nothing. 17 Q. What did you do to look? 18 A. Looked in my Outlook calendar. So I do 19 have dates -- or the date. 20 Q. And by "dates," do you mean, like, 21 meeting arrangements on your computer or just, 22 like, entries on the calendar for -- 23 A. The meeting date that I met with the 24 president of Crown College and Northwestern. 25 Q. Okay. Is it possible you have any</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Minneapolis, Minnesota. 2 Q. Were you raised here in Minneapolis too? 3 A. Yes. 4 Q. Did you attend high school in 5 Minneapolis? 6 A. In the metro area, yes. 7 Q. In the metro area? 8 A. Uh-huh. 9 Q. Did you do PSEO when you were in high 10 school? 11 A. No. 12 Q. What is your religious background, if 13 any? 14 MR. TIMMERMAN: Objection, 15 relevance. 16 You can answer. 17 THE WITNESS: I'm Baptist. 18 BY MR. FLESHMAN: 19 Q. Do you participate in a religious 20 community now, in your Baptist community? 21 MR. TIMMERMAN: Same objection. 22 You can answer. 23 THE WITNESS: Can you clarify the 24 question? 25 BY MR. FLESHMAN:</p>
<p style="text-align: right;">Page 11</p> <p>1 documents anywhere else, any drafts of anything 2 in your files anywhere? 3 A. No. 4 Q. Other than speaking with your 5 attorneys -- which I don't want to know 6 anything that you said with your attorneys. 7 Other than speaking with your attorneys, what 8 have you done to prepare for this deposition? 9 A. Looked at my calendar to see the date. 10 Q. Okay. Did you review any other 11 documents? 12 A. No. 13 Q. Did you meet with anybody besides your 14 attorneys? 15 A. No. 16 Q. Okay. Did you take any notes to kind of 17 refresh your memory and prepare for the 18 deposition? 19 A. No. 20 Q. Okay. And just to double-check, did you 21 speak with Adosh Unni regarding his deposition? 22 A. No. 23 Q. Okay. I'm going to get some background 24 information. Can you tell me, where were you 25 born, Commissioner Jett?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Do you attend a church or participate in 2 other -- 3 A. Sporadically. 4 Q. Sporadically? 5 A. Uh-huh. 6 Q. Observe any religious holidays? 7 A. Yes. 8 Q. Which ones? 9 A. Christmas, Easter. 10 Q. Where did you attend college? 11 A. Freshman year, the United States Naval 12 Academy. After that, University of Illinois at 13 Chicago. So after undergrad degree, Ithaca 14 College in New York, and then University of 15 Pittsburgh for my master's degree, and then 16 licensure -- administrative licensure, 17 University of Minnesota. 18 Q. Okay. And what was your area of study 19 at the University of Illinois in Chicago? 20 A. Undergrad, physical education and 21 health. 22 Q. Okay. What year did you graduate? 23 A. '88, 1988. 24 Q. 1988. Okay. And what did you study at 25 Ithaca?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. It was the beginning of my graduate 2 degree. So my master's degree is in education. 3 Q. Okay. And so your master's degree from 4 University of Pittsburgh is in education? 5 A. Correct. 6 Q. Did you transfer partway through from 7 Ithaca to Pittsburgh? 8 A. Yes. 9 Q. Okay. And so then you continued 10 studying education at Pittsburgh? 11 A. Correct. 12 Q. Okay. Did you have any particular 13 emphasis in your education degree, early 14 education, high school? 15 A. No. 16 Q. Okay. And what year did you graduate 17 from the University of Pittsburgh? 18 A. 1992. 19 Q. Did you go directly from there to the 20 University of Minnesota for your licensure 21 program, or did you work in between? 22 A. I was a teacher in between. 23 Q. Okay. Where were you teaching? 24 A. Started out Champlin Park High School in 25 the Anoka-Hennepin District for five years,</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Yep. 2 A. If I'm teaching health, not -- so within 3 the health class I'm teaching, that's not PSEO. 4 If I'm -- so as I'm teaching, no. I'm not 5 having students in PSEO. Are there students in 6 the building that are taking PSEO? Yes. 7 Q. Okay. Yeah, thanks. That's a good 8 clarification. I suppose I meant: Did you 9 have a lot of students that you taught that 10 then went to do PSEO that you knew of? 11 A. I don't know. 12 Q. Okay. And after you obtained your 13 licensure, you finished your licensure program 14 at the University of Minnesota, what did you do 15 then for work? 16 A. I became an assistant principal at Park 17 Center High School for five years, then I was 18 principal, lead principal at Hopkins High 19 School for five years, then I was the assistant 20 superintendent in St. Paul for two years, then 21 I was the superintendent in St. Cloud for nine 22 years, then I taught at the University of 23 Minnesota in the leadership program for the 24 fall semester, and then I became a commissioner 25 last year in January.</p>
<p style="text-align: right;">Page 15</p> <p>1 Park Center High School in the Osseo Schools 2 for two, Minneapolis North High School for two. 3 And what was your question in terms 4 of -- 5 Q. Just whether you had taught in between 6 or gone straight to your licensure program. 7 A. Okay. Those are the things I did before 8 I started the licensure program; teaching. 9 Q. Okay. And how long was the licensure 10 program at the University of Minnesota? 11 A. Principal license was a year. 12 Q. Okay. Did you do an additional license 13 after the principal license? 14 A. So my administrative licensure is 15 principal licensure, superintendent licensure. 16 Yes, those are the two. 17 Q. Okay. While you were teaching in the 18 various school districts here in Minnesota, 19 were you teaching in high schools or in 20 elementary and middle schools? 21 A. High schools. 22 Q. High schools. Okay. Did you have a lot 23 of students participate in the PSEO program? 24 A. I'm not understanding the question. So 25 if I'm teaching -- I'm asking a question.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. And while you were teaching at 2 the University of Minnesota, you said you 3 taught in the leadership program? 4 A. Correct. 5 Q. Was that a program for graduate students 6 or undergraduate students? 7 A. Graduate students. 8 Q. Okay. So it would not have been open to 9 any PSEO students then? 10 A. Correct. 11 Q. Okay. And during your years before 12 becoming the commissioner, did you ever do any 13 work with Education Minnesota? 14 A. Teacher's union? You said Education 15 Minnesota. So that's the teacher's union. 16 Q. Yes. Yeah. 17 A. Okay. As a superintendent, there's the 18 union within St. Cloud. 19 Q. Uh-huh. 20 A. And so I believe they're Ed Minnesota. 21 As the assistant superintendent in St. Paul, I 22 sat in on negotiations, but I was just a -- 23 sitting there at the table like this 24 (indicating), not really talking. And then Ed 25 Minnesota -- when you're a principal or</p>

<p style="text-align: right;">Page 18</p> <p>1 assistant principal, the teacher's union within 2 the buildings is usually Ed Minnesota with -- I 3 can't think of the other one. Maybe 15 to 4 20 percent of teachers are in the other union, 5 but that's it. 6 Q. Okay. Thank you. And what is your 7 current position at the Minnesota Department of 8 Education? 9 A. Commissioner of education. 10 Q. How long have you been in that position? 11 A. A year and almost a month. 12 Q. So January of 2023 is when you started? 13 A. Correct. 14 Q. Do you directly report to anybody in 15 that position, or are you kind of the top -- 16 A. Within the Department of Education I'm 17 supposedly -- and here use the word 18 "supposedly," the top, but who I directly 19 report to is the governor's office. 20 Q. How many people within the Department of 21 Education directly report to you? 22 A. Directly. So if there's approximately 23 400 people there -- I need to think about 24 sitting at the table of cabinet. I need to 25 look at the org chart. Three. I'm thinking</p>	<p style="text-align: right;">Page 20</p> <p>1 commissioner? Is it an appointed position? 2 A. Correct. 3 Q. Okay. Did you -- who appoints the 4 commissioner? 5 A. The governor. 6 Q. The governor. What's the process like 7 for appointment? Did you have to apply to 8 some -- to the governor's office or notify them 9 that you were interested, or did they kind of 10 reach out and pluck you from where you were? 11 A. You applied, you interviewed, you were 12 chosen -- or I was chosen. 13 Q. Uh-huh. Okay. And during the interview 14 process, did you meet specifically with the 15 governor, or did you meet with somebody else in 16 the governor's office? 17 A. The governor's leadership team. 18 Q. Okay. Do you remember who that was? I 19 know it's been a while. 20 A. It was a room of ten to 12 people. 21 Q. Okay. And the governor wasn't among 22 them or -- 23 A. The governor was among them. 24 Q. Okay. Did you know the governor 25 personally before being appointed?</p>
<p style="text-align: right;">Page 19</p> <p>1 about the org chart, three. 2 Q. Okay. And who are they? 3 A. American Indian Affairs, Melanie Franks 4 and Jane Harstad and then the deputy 5 commissioner, Stephanie Graff. 6 Q. Okay. You mentioned two people, Melanie 7 Franks, and then who was the second person? 8 A. Jane Harstad. 9 Q. Is she also with American Indian 10 Affairs? 11 A. Correct. 12 Q. And how did you get the position of 13 commissioner? 14 A. One more. 15 Q. Oh. 16 A. General counsel. 17 Q. General counsel. And who is the general 18 counsel? 19 A. Until recently, Eric Taubel. So that's 20 who it was. And then just hired -- her name 21 is -- and so just hired her. Maren. I don't 22 know Maren's last name. 23 Q. Okay. Thank you. 24 A. Uh-huh. 25 Q. How did you get the position of</p>	<p style="text-align: right;">Page 21</p> <p>1 A. No. 2 Q. I wouldn't expect everybody to know the 3 governor before they come in. 4 Did you personally know any state 5 representatives in the Minnesota House or 6 Senate before joining or before your 7 appointment? 8 A. As the former superintendent of 9 St. Cloud, Senator Aric Putnam, Bernie 10 Perryman. I don't think -- I think she is a 11 representative. I think that's it. 12 Q. Okay. 13 A. Oh, wait a minute. She's from Rocori, I 14 don't know her name, though. But those are the 15 three individuals, as the superintendent of 16 St. Cloud, that I had been in contact with or 17 had met before. 18 Q. Prior to your appointment, had you ever 19 done any work related to the PSEO program? 20 MR. TIMMERMAN: Objection, vague. 21 But you can answer. 22 THE WITNESS: As a principal at 23 Hopkins High School, there were -- so when you 24 say "work," okay, was aware that we had 25 students taking PSEO that generally was handled</p>

<p style="text-align: right;">Page 22</p> <p>1 through the counseling office. So did I have 2 to do any work personally with that? No. As 3 an assistant principal, the exact same thing. 4 As the superintendent, did I have to do 5 anything personally with that? No. But there 6 were -- yeah, no. 7 BY MR. FLESHMAN: 8 Q. Okay. And when you were going through 9 the appointment process and doing the 10 interviews, was there any discussion of 11 potential policies that the governor's office 12 was interested in that they wanted to get your 13 take on or anything like that? 14 A. No. 15 Q. And during the appointment process, did 16 you meet with any state representatives or just 17 the governor's cabinet? 18 A. Just the governor's basically. 19 Q. During the appointment process, did you 20 meet with anybody that was then working at MDE? 21 A. No. 22 Q. Did you ever meet with the previous 23 commissioner while you were going through the 24 appointment process? 25 A. During the appointment process, no.</p>	<p style="text-align: right;">Page 24</p> <p>1 approximately 880,000 students, 350 districts 2 and charters for the education that happens -- 3 in the teaching and learning that happens 4 within those buildings. Part of the 5 legislative process. So you report to the 6 capitol or you have legislative moments like 7 the session that's coming. My duties are to be 8 in charge of all 400 individuals within the 9 Department of Education to make sure that -- my 10 duties are to support education across the 11 state of Minnesota. 12 Q. Okay. And you mentioned that you're 13 part of the legislative process, that -- 14 A. Uh-huh. Yes. 15 Q. -- your responsibilities touch on that 16 legislative process? 17 A. Yes. 18 Q. Can you tell me a little bit more about 19 that? What do you do as part of the 20 legislative process? 21 A. So you can meet with -- so there's 22 moments -- so a session is coming up. And so 23 there are moments in time where you're meeting 24 with the House and the Senate. Last year was 25 75 percent budget, you know, the budget process</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. After your appointment, did you meet 2 with the previous commissioner? 3 A. So Heather Mueller, I have seen her 4 since I've been appointed, yes. 5 Q. Okay. Did you meet with her to discuss, 6 like, a transition plan? 7 A. No. 8 Q. Okay. How many times have you seen her 9 since the transition? 10 A. Once. 11 Q. Once. When was that? 12 A. The administrative assistant's 13 retirement party. 14 Q. Given that it was a party, I probably 15 know the answer, but did you discuss anything 16 related to the Department of Education's 17 policies or initiatives? 18 A. No. 19 Q. Okay. What are your current duties as 20 the commissioner? It's a long list, I'm sure. 21 A. Sounds like I'm in a class when little 22 kids ask me that. And I don't mean you're a 23 little kid, so no offense to that. Duties? 24 I'm in charge of pre-K to postgraduate age 22 25 education for the state of Minnesota,</p>	<p style="text-align: right;">Page 25</p> <p>1 or the budget to support schools. And then the 2 other 25 percent is policy. There's moments 3 where you're meeting with the House, the 4 Senate, the chairs usually. And so I would 5 meet with the four chairs of the education 6 committees. 7 Q. Okay. And who are the -- 8 A. The other piece to that, I'm also -- 9 sovereign nation, so the 11 tribes. I have to 10 meet with them. They are different. They are 11 not necessarily part of the legislative 12 process. They are their own piece. 13 Q. Okay. And so you take some of the 14 things that you learn from the tribes and 15 present it to the legislature? 16 A. Correct. 17 Q. Okay. 18 A. And then things from the legislative 19 process I bring to the tribes. 20 Q. Okay. Who are the four chairs of the 21 education committees? 22 A. Chair Youakim, Cheryl Youakim, Chair 23 Laurie Pryor, Senator Steve Cwodzinski and 24 Senator Mary Kunes. 25 Q. Okay. And what are the committees that</p>

<p style="text-align: right;">Page 26</p> <p>1 they respectively are in charge of?</p> <p>2 A. Policy is -- House policy is Laurie</p> <p>3 Pryor. And Youakim is finance. And then</p> <p>4 Cwodziński and Kunesh. Kunesh is finance.</p> <p>5 Cwodziński is policy.</p> <p>6 Q. Okay. And so you usually meet with just</p> <p>7 the chairs. Do you ever meet with the</p> <p>8 committees as a whole?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. During the legislative session.</p> <p>12 Q. During the legislative session?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And what do you usually discuss</p> <p>15 during those meetings?</p> <p>16 A. During the chairs meetings or during the</p> <p>17 legislative session meetings?</p> <p>18 Q. Start with the chairs, then we'll go to</p> <p>19 the legislative session meetings.</p> <p>20 A. With the chairs it could be -- last year</p> <p>21 it was budget. So discussing the budget that</p> <p>22 was proposed and the policies that were</p> <p>23 proposed. With the -- in front of committee --</p> <p>24 Q. Uh-huh.</p> <p>25 A. -- it would be presenting -- sorry.</p>	<p style="text-align: right;">Page 28</p> <p>1 budget with the legislature. Do you do a</p> <p>2 similar thing with the governor's office?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And what does that usually look</p> <p>5 like?</p> <p>6 A. Governor's office -- government</p> <p>7 relations will -- from the governor's office</p> <p>8 will speak to our governor's -- or our</p> <p>9 government relations team. And so we'll be</p> <p>10 sitting there and they -- that's how that --</p> <p>11 the flow of it goes from government relations</p> <p>12 to government relations, commissioner's</p> <p>13 involved in that.</p> <p>14 Q. Okay. And does the Department of</p> <p>15 Education usually propose policies, or are</p> <p>16 they -- is it the other way around? Does the</p> <p>17 governor's office come to the Department of</p> <p>18 Education with policies that it wants to</p> <p>19 consider?</p> <p>20 A. So last year as the new commissioner I</p> <p>21 walked into it, it was done. Okay?</p> <p>22 Q. That's nice.</p> <p>23 A. That's the way I'll phrase it. Because</p> <p>24 the session was coming within two to three</p> <p>25 weeks. And so how that happened at that time,</p>
<p style="text-align: right;">Page 27</p> <p>1 Willie Jett, commissioner, into his team or my</p> <p>2 team could be talking about budget, or we could</p> <p>3 be talking about policy.</p> <p>4 Q. Do they ever -- do the chairs of these</p> <p>5 committees ever request additional information</p> <p>6 from you or from the Department of Education?</p> <p>7 A. They request it from the Department of</p> <p>8 Education. And I'm in charge of the Department</p> <p>9 of Education, so yes.</p> <p>10 Q. Okay. Are you usually aware of the</p> <p>11 requests that come through from the various</p> <p>12 chairs or other representatives?</p> <p>13 A. It will come through -- usually requests</p> <p>14 will come through our government relations</p> <p>15 team, and I will be cc'd on it, or I will be</p> <p>16 privy to it.</p> <p>17 Q. Okay. So most of the time you are at</p> <p>18 least aware of it even if you're not directly</p> <p>19 involved?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Are you also responsible for</p> <p>22 coordinating policy initiatives with the</p> <p>23 governor's office?</p> <p>24 A. Can you repeat that question, please?</p> <p>25 Q. Yeah. So you coordinate policy and</p>	<p style="text-align: right;">Page 29</p> <p>1 I just knew that that was worked out between</p> <p>2 MDE and the governor's office, and then</p> <p>3 legislative moment was happening. This year</p> <p>4 what I'm witnessing is we have some proposals</p> <p>5 that happen in the fall, and then it goes to</p> <p>6 the governor's office, and then they come back</p> <p>7 to say yea or nay. And then now we bring it to</p> <p>8 the legislative session.</p> <p>9 Q. Okay. What did those -- those</p> <p>10 proposals, are they usually written proposals?</p> <p>11 A. Written such as on a computer or written</p> <p>12 handwritten? What do you mean by "written"?</p> <p>13 Q. Do you submit a written form, whether</p> <p>14 it's typed or, I guess, handwritten, to the</p> <p>15 governor's office?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And is there some email traffic</p> <p>18 around that that you're usually cc'd on?</p> <p>19 A. Our government relations team will --</p> <p>20 after that happens, he will share --</p> <p>21 Q. Okay.</p> <p>22 A. -- so yes.</p> <p>23 Q. Okay. So he'll share it with you after</p> <p>24 the fact, but you're not usually on the emails</p> <p>25 that go -- like, when they're transmitting the</p>

<p style="text-align: right;">Page 30</p> <p>1 forms to the governor's office?</p> <p>2 A. I'm not sure. I don't know.</p> <p>3 Q. Okay. That's fine. Does the governor's</p> <p>4 office ever approach MDE with policy proposals</p> <p>5 and say: Can you work out the details of this</p> <p>6 idea, or is it all kind of Department of</p> <p>7 Education driven in your experience from this</p> <p>8 year?</p> <p>9 A. My example will be SROs, okay, the law</p> <p>10 enforcement in schools.</p> <p>11 Q. Uh-huh.</p> <p>12 A. And so we had a proposal -- a different</p> <p>13 department within the enterprise had a</p> <p>14 proposal. The governor's office said: Work</p> <p>15 that out. And so it went to law last year.</p> <p>16 There was a big hubbub about it. And then we</p> <p>17 were given orders to work that out before this</p> <p>18 next legislative session. So if I'm</p> <p>19 understanding your question correctly, the</p> <p>20 answer is yes, the governor's office can tell</p> <p>21 us to work things out, if I'm understanding</p> <p>22 your question correctly.</p> <p>23 Q. Okay. Thank you. Within the Department</p> <p>24 of Education, at least in your experience this</p> <p>25 past year, where do the policy proposals</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Yeah. Did you have any personal --</p> <p>2 A. No.</p> <p>3 Q. Anything that you had come --</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 A. In the past -- well, I won't</p> <p>7 [unintelligible] anything. Okay.</p> <p>8 Q. So are you aware whether any previous</p> <p>9 commissioners have made proposals on their own?</p> <p>10 A. I have no idea.</p> <p>11 Q. Okay.</p> <p>12 A. I do not know.</p> <p>13 Q. When a proposal comes up from any of the</p> <p>14 departments that you're responsible for, do you</p> <p>15 have an opportunity to look at it and approve</p> <p>16 it before it goes to the governor's office or</p> <p>17 to the legislature?</p> <p>18 A. Do I have the opportunity to see it?</p> <p>19 Q. Uh-huh.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you have to approve it before</p> <p>22 it goes out?</p> <p>23 A. Anything that supposedly goes to the</p> <p>24 governor's office would take my stamp of</p> <p>25 approval, so yes.</p>
<p style="text-align: right;">Page 31</p> <p>1 typically come from? Are they -- can anybody</p> <p>2 in the Department of Education come up with a</p> <p>3 policy proposal and send it up the chain, or</p> <p>4 are there certain departments that are</p> <p>5 responsible for that?</p> <p>6 A. So I would like to think that anybody</p> <p>7 can have a thought --</p> <p>8 Q. Uh-huh.</p> <p>9 A. -- okay, but it has to come from their</p> <p>10 particular department. And so then when it</p> <p>11 comes to their department, then that's run up</p> <p>12 the chain of MDE to potentially a cabinet-level</p> <p>13 type of discussion, and then from there it's</p> <p>14 proposed to the governor's office.</p> <p>15 Q. Okay. And --</p> <p>16 A. That's my understanding of how it</p> <p>17 happens.</p> <p>18 Q. Okay. And have you -- did you propose</p> <p>19 any yourself this year or during this latest</p> <p>20 session?</p> <p>21 A. So during the session that we're</p> <p>22 discussing --</p> <p>23 Q. For this upcoming session. Sorry.</p> <p>24 A. For this upcoming session, say that one</p> <p>25 more time, did I propose anything?</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Are there some that you don't look at</p> <p>2 before they go out, or do you typically look at</p> <p>3 all of them?</p> <p>4 A. One of the assistant commissioners or</p> <p>5 deputy commissioner within their department</p> <p>6 could shut that down before it makes it to</p> <p>7 cabinet-level discussion.</p> <p>8 Q. Uh-huh.</p> <p>9 A. So no, I don't see them all.</p> <p>10 Q. Uh-huh. So when a proposal comes up</p> <p>11 from a department, it goes to the cabinet for</p> <p>12 approval, is that --</p> <p>13 A. If it comes up -- it starts within a</p> <p>14 department, and then that assistant</p> <p>15 commissioner or deputy commissioner or director</p> <p>16 could bring it to the cabinet level to have a</p> <p>17 discussion about it. And then from cabinet, we</p> <p>18 would decide yea or nay if we're going to bring</p> <p>19 it to the governor's office.</p> <p>20 Q. Okay. During this past year, so in the</p> <p>21 year that you've been there, have you rejected</p> <p>22 any policy proposals from the cabinet -- that</p> <p>23 have come before the cabinet?</p> <p>24 A. Have I? No.</p> <p>25 Q. Okay. Has the cabinet rejected any?</p>

<p style="text-align: right;">Page 34</p> <p>1 A. No.</p> <p>2 Q. Okay. How familiar are you with the</p> <p>3 PSEO program?</p> <p>4 A. Would you like to clarify that question</p> <p>5 in terms of what do you mean by that?</p> <p>6 Q. Yeah. So what -- before coming to the</p> <p>7 Department of Education, did you have any</p> <p>8 experience with the PSEO program?</p> <p>9 A. I had students who were taking PSEO as a</p> <p>10 superintendent or as an assistant</p> <p>11 superintendent or as a principal, yes.</p> <p>12 Q. Okay. Did you have any family members</p> <p>13 participating in the PSEO program?</p> <p>14 MR. TIMMERMAN: Objection,</p> <p>15 relevance.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: I want to say no, but</p> <p>18 I have to think about my daughter because she</p> <p>19 may have done a summer school class, but I</p> <p>20 don't know if that was -- so the answer is no.</p> <p>21 BY MR. FLESHMAN:</p> <p>22 Q. Okay.</p> <p>23 A. I really have to think about my</p> <p>24 daughter, but no. No.</p> <p>25 Q. Okay. And since joining the Department</p>	<p style="text-align: right;">Page 36</p> <p>1 the mechanics? No.</p> <p>2 Q. Okay. Are you aware of the requirements</p> <p>3 that institutions are under to participate in</p> <p>4 the PSEO program, the requirements that are --</p> <p>5 sorry, what the Department of Education</p> <p>6 requires of institutions that want to</p> <p>7 participate in the PSEO program?</p> <p>8 A. Specifically, no.</p> <p>9 Q. Okay. Are you aware of any of the</p> <p>10 requirements?</p> <p>11 A. Of institutions?</p> <p>12 Q. Of institutions.</p> <p>13 A. Not specifically, no.</p> <p>14 Q. Okay. Do you know what kind of course</p> <p>15 requirements there are for PSEO classes?</p> <p>16 A. Course requirements at the</p> <p>17 institution --</p> <p>18 Q. Yes.</p> <p>19 A. -- or course requirements at high</p> <p>20 school? No.</p> <p>21 Q. Okay. And are you -- do you know what</p> <p>22 any of the requirements are for students to</p> <p>23 participate in the PSEO program?</p> <p>24 A. At the institutions --</p> <p>25 Q. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 of Education, as the commissioner, are you --</p> <p>2 how involved are you with the PSEO program?</p> <p>3 A. Not very -- not involved very much at</p> <p>4 all.</p> <p>5 Q. Okay. What is the extent of your</p> <p>6 involvement?</p> <p>7 A. Potentially within one of the</p> <p>8 departments it might be a two-minute report out</p> <p>9 at cabinet. Do I remember that per se? No.</p> <p>10 But it would be something that would come up at</p> <p>11 a cabinet-level-type discussion.</p> <p>12 Q. Okay. Are you familiar with how the</p> <p>13 program operates mechanically in terms of a</p> <p>14 student going to the school and the school is</p> <p>15 getting reimbursed and all the requirements</p> <p>16 that go into that?</p> <p>17 A. Do I know all the requirements? No.</p> <p>18 Q. Okay.</p> <p>19 A. When you say the mechanics of, do I know</p> <p>20 all the inner workings? No. I know that</p> <p>21 students have the opportunity to take course --</p> <p>22 or college-level courses. I know the State --</p> <p>23 I know districts -- I believe districts can get</p> <p>24 reimbursed -- well, that's not true when I</p> <p>25 think about that out loud. So do I know all</p>	<p style="text-align: right;">Page 37</p> <p>1 A. -- or from a high school perspective?</p> <p>2 Q. So for a high school student who wants</p> <p>3 to go and take PSEO at a college, what would be</p> <p>4 the -- do you know any of the requirements for</p> <p>5 the student to be able to do that?</p> <p>6 A. So as a high school principal -- so most</p> <p>7 of my experience is from a student -- from the</p> <p>8 public school perspective. So understanding</p> <p>9 what is required of them at the college or at</p> <p>10 the university, no, I do not know that piece.</p> <p>11 I just remember, as a principal, basically the</p> <p>12 student had to be in good standing at their</p> <p>13 high school. Usually -- once it goes to age</p> <p>14 kind of requirement, usually didn't see a PSEO</p> <p>15 student or a high school student doing that</p> <p>16 until they were either a junior or a senior in</p> <p>17 high school. That's my understanding of it.</p> <p>18 Q. Okay. What's your understanding of the</p> <p>19 purposes of the PSEO program?</p> <p>20 A. From a student perspective, to earn</p> <p>21 college credits while they're in high school.</p> <p>22 Q. Okay. And is that also the main benefit</p> <p>23 in your view of the PSEO program, that the</p> <p>24 student can gain college credits while still in</p> <p>25 high school?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Is that one of the benefits or is that 2 usually a benefit from a high school 3 perspective or a student or family's 4 perspective? Yes. 5 Q. All right. 6 (Exhibit Number 1 marked for 7 identification.) 8 MR. TIMMERMAN: Take a moment to 9 review it. 10 BY MR. FLESHMAN: 11 Q. Yeah. Go ahead and take a minute to 12 review it and let me know when you're ready. 13 A. (Views document.) Okay. 14 Q. Ready? 15 A. Sure. 16 Q. Okay. Do you recognize this document? 17 A. Do I recognize it? Not necessarily, so 18 no. 19 Q. Okay. So what -- based on your review 20 of the document, what is it? 21 A. It's just kind of what it says. It's 22 the -- it just seems like the requirements -- 23 it's the nuts and bolts of PSEO program for the 24 State of Minnesota. 25 Q. Okay. So if you -- so the Postsecondary</p>	<p style="text-align: right;">Page 40</p> <p>1 postsecondary institutions that want to 2 participate in the PSEO program need to send -- 3 make a request in writing to you. What -- do 4 you usually review those requests personally, 5 or do you have -- does somebody else within the 6 department review them? 7 A. Somebody else in the department reviews 8 them. 9 Q. Okay. And it also says that they need 10 to submit their mission statement, their course 11 catalog and any other information required by 12 the commissioner. Do you set those 13 requirements, or does somebody else within the 14 department usually set those? 15 A. Somebody else. 16 Q. Do you approve their requirements 17 when -- do you approve the list of requirements 18 before an institution is -- submits their 19 application? 20 A. Do I personally? I'm sure it has my 21 stamp. 22 Q. Do you know what other information is 23 generally required from an institution when 24 they're applying? 25 A. No.</p>
<p style="text-align: right;">Page 39</p> <p>1 Enrollment Options Reference Guide, let's turn 2 to the page -- down in the bottom right corner 3 you'll see page numbers. Those are just -- 4 they call them Bates numbers, but -- so if you 5 could turn to page MDE ending in 1550. All 6 right. And do you see at the very bottom of 7 the page at the very last two lines beginning 8 with, "A postsecondary institution..."? 9 A. Yes. You're talking about the very 10 last -- okay. Yes. 11 Q. Yes. Would you please read those two 12 sentences in -- could you read those two 13 sentences for me? 14 A. Out loud? 15 Q. Yes, please. 16 A. "A postsecondary institution must make a 17 request in writing to the commissioner of 18 education asking to be recognized as an 19 approved institution for participation in the 20 PSEO program. Along with the request, the 21 institution must submit its mission statement, 22 PSEO course catalog (including course 23 descriptions), and any other information 24 required by the commissioner." 25 Q. Thank you. So this says that</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Do you know how the department comes up 2 with this list of information that's required 3 from applicants? 4 A. No. 5 Q. Do you know if any of the required 6 information is required by statute -- 7 A. No. 8 Q. -- or by any Department of Education 9 regulations? 10 A. No. 11 Q. Do you know if the list of required 12 information varies depending on who the 13 applicant is, or if it's a standard set of 14 information for everybody? 15 A. Do I personally know that? No. 16 Q. Okay. Do you know whether institutions 17 are asked to submit their admissions policies 18 or standards as part of their application? 19 A. No. 20 Q. Okay. Down the page on 1551 just after 21 the set of bullet point lists there's a bold 22 sentence starting with, "Postsecondary 23 institutions determine..." 24 Do you see that? 25 A. Yes.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. All right. Can you read that out loud 2 for us, please? 3 A. "School districts do not make this 4 determination. The postsecondary institution 5 also determines the eligibility of a PSEO 6 student to continue in the program if his/her 7 grades fall below a certain threshold." 8 Q. I apologize. I meant could you read the 9 bold sentence that starts that paragraph, being 10 "Postsecondary institutions determine..." 11 A. "Postsecondary institutions determine 12 admissions standards to participate in specific 13 PSEO programs and courses." 14 Q. Thank you. To your knowledge, is an 15 institution's eligibility to participate in the 16 PSEO program based on their admissions 17 criteria? 18 A. I do not know. 19 Q. Prior to your appointment, were you 20 aware of any efforts to change the law to 21 prevent postsecondary institutions from 22 requiring statements of faith as part of their 23 PSEO admissions process? 24 A. No. 25 Q. Okay. Prior to your appointment, did</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. And do you recall what you would 2 have spoken about? 3 A. They would have given me some talking 4 points as I'm getting ready to speak in front 5 of the House or the Senate. So it could have 6 just been strictly what the talking points were 7 for that particular presentation. 8 Q. Would they have given you any deeper 9 information or more -- any broader information 10 than just the talking points or just 11 information to go and present? 12 A. Information for me to go and present for 13 me to digest what it was. 14 Q. What was your opinion of the amendment 15 when you first learned of it? 16 A. I understood it. I agreed with it. 17 Q. You agreed with it? 18 A. Yes. 19 Q. Did it raise any concerns in your mind? 20 A. No. 21 Q. And why did you agree with it? 22 A. It was about -- for me, it's about 23 access and opportunity for all. 24 Q. And what do you mean by that? 25 A. My understanding -- in other words, not</p>
<p style="text-align: right;">Page 43</p> <p>1 you think that there was a need for such an 2 amendment to the law? In other words, did you 3 think that schools should be prevented from 4 having admissions criteria that required 5 students to sign a statement of faith? 6 A. Did I think that? 7 Q. Right. 8 A. That's a personal-type question, so I 9 have no idea. That would be my response. I 10 have no idea. 11 Q. When did you first become aware of the 12 amendment? 13 A. Sometime during 2023 legislative 14 session. 15 Q. How did you become aware of it? 16 A. I'm sure that we were proposing it at 17 a -- during the legislative session at, like, a 18 hearing. 19 Q. Did you speak with anybody at the 20 Department of Education before that hearing to 21 kind of learn about what was included in the 22 bill? 23 A. I would have spoke to Adosh Unni or 24 government relations -- the government 25 relations team.</p>	<p style="text-align: right;">Page 45</p> <p>1 trying to create a barrier for someone to 2 participate in the program or to go or attend a 3 specific institution. 4 Q. Okay. 5 A. This was removing barriers. 6 Q. Removing barriers. Okay. And which 7 barriers was it intended to remove? 8 A. My understanding, a student's -- I'll 9 give you an example. A student that wants to 10 attend Bethel, Crown College, whomever, for 11 them -- in other words, if I'm of a different 12 faith, and I want to go to a specific 13 institution, that I do not have to give up my 14 beliefs to attend that institution as a high 15 school student. It's different if I choose to 16 attend that college postsecondary. But as a 17 high school student, about removing barriers 18 and obstacles. 19 Q. And why would it be different for a 20 postsecondary student rather than a high school 21 student? 22 A. A high school graduate can choose where 23 they want to -- hopefully, they can choose 24 where they want to attend for their 25 postsecondary education. A high school</p>

<p style="text-align: right;">Page 46</p> <p>1 student, potentially there's barriers, such as</p> <p>2 transportation. There's some other things.</p> <p>3 And so a lot of times a high school student is</p> <p>4 going to choose for PSEO a place that is close</p> <p>5 or accessible.</p> <p>6 Q. Makes sense. Okay. And so in your mind</p> <p>7 the requirement that students sign a faith</p> <p>8 statement was a barrier to these students</p> <p>9 attending institutions of their choice?</p> <p>10 A. My understanding was if it was online,</p> <p>11 there was no barrier. But if all of a sudden I</p> <p>12 had to -- if I wanted to attend that university</p> <p>13 or that institution, be -- physically step foot</p> <p>14 on their campus, then that for me is a barrier,</p> <p>15 my understanding was a barrier.</p> <p>16 Q. Okay. Were there any other barriers</p> <p>17 that you were aware of that the amendment would</p> <p>18 have addressed?</p> <p>19 A. No.</p> <p>20 Q. So you were not aware of any other</p> <p>21 schools rejecting students based on any</p> <p>22 protected characteristics like race, sex or</p> <p>23 disability?</p> <p>24 A. I don't know. So I would say no.</p> <p>25 Q. Were you personally aware of any</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes.</p> <p>2 Q. Why?</p> <p>3 A. As stated earlier, it removes barriers,</p> <p>4 it provides opportunity, access and</p> <p>5 opportunity.</p> <p>6 Q. Are you aware that the Minnesota Human</p> <p>7 Rights Act already prohibits discrimination on</p> <p>8 the basis of protected characteristics?</p> <p>9 MR. TIMMERMAN: Objection to the</p> <p>10 extent it calls for a legal conclusion.</p> <p>11 You can answer if you know.</p> <p>12 THE WITNESS: I do not know.</p> <p>13 BY MR. FLESHMAN:</p> <p>14 Q. Did you consider during the legislative</p> <p>15 process whether the Minnesota Human Rights Act</p> <p>16 would be a viable solution to the problem that</p> <p>17 you identified, the barriers that you</p> <p>18 identified?</p> <p>19 A. Did I consider that? No.</p> <p>20 Q. Did you ever discuss whether that would</p> <p>21 be a viable solution with anybody within the</p> <p>22 Department of Education?</p> <p>23 A. No.</p> <p>24 Q. With the governor's office?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 47</p> <p>1 students who had actually been prevented from</p> <p>2 attending a school because of this faith</p> <p>3 statement requirement?</p> <p>4 A. And so your question was me personally.</p> <p>5 No.</p> <p>6 Q. After your appointment, did you become</p> <p>7 aware of any?</p> <p>8 A. Me personally, no.</p> <p>9 Q. Have you heard about any students since</p> <p>10 you've been at the Department of Education?</p> <p>11 A. Me personally, no.</p> <p>12 Q. And since your appointment, have you</p> <p>13 heard of any postsecondary institutions</p> <p>14 rejecting students based on any kind of</p> <p>15 protected characteristics, such as race, sexual</p> <p>16 orientation, disability?</p> <p>17 A. Me personally, no.</p> <p>18 Q. And did you believe that the amendment</p> <p>19 was necessary to accomplish the goals of the</p> <p>20 PSEO program to allow students to -- I believe</p> <p>21 you said the goals before were to allow</p> <p>22 students to access those postsecondary credits</p> <p>23 while still in high school. Did you believe</p> <p>24 that the amendment was necessary to accomplish</p> <p>25 that purpose?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Anybody in the legislature?</p> <p>2 A. No.</p> <p>3 MR. FLESHMAN: We're coming up on an</p> <p>4 hour. Would you like to take a break?</p> <p>5 THE WITNESS: I'm fine.</p> <p>6 MR. BAXTER: Let's take a break.</p> <p>7 MR. FLESHMAN: Okay. Take a break.</p> <p>8 (Off the record 9:57 to 10:14.)</p> <p>9 BY MR. FLESHMAN:</p> <p>10 Q. Back on the record. Before we broke, I</p> <p>11 noticed that you were referring to your tablet</p> <p>12 a lot while you're talking. Are you looking at</p> <p>13 something on your tablet in particular?</p> <p>14 A. Looking at my -- Crown College,</p> <p>15 Northwestern, so the answer is yes.</p> <p>16 Q. Okay. And what are you looking at?</p> <p>17 A. It's just my things for this. So, like,</p> <p>18 when I looked up the email -- or the date of</p> <p>19 the meeting, that's not the email, the date of</p> <p>20 the meeting, I just typed in so I wouldn't</p> <p>21 forget the dates and the who, Dr. Denton from</p> <p>22 Crown College and Dr. Hoornbeek from</p> <p>23 Northwestern. And then who else is on there,</p> <p>24 the address to this building, what time I'm</p> <p>25 supposed to be there.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. Did you give your calendar 2 information in the email that you referenced to 3 your counsel to produce? 4 A. The calendar email? 5 Q. The calendar entry that you were looking 6 at. 7 A. It's not a calendar email. It's on a 8 note. 9 Q. Okay. Did you give that note to your 10 counsel to produce? 11 A. To my counsel to produce? 12 Q. (Indicating.) 13 A. No. 14 Q. Okay. 15 A. I'm not sure what you mean by that. 16 Q. That's all right. 17 A. Okay. 18 MR. FLESHMAN: We'd like to request 19 that. 20 BY MR. FLESHMAN: 21 Q. Before we broke, we were discussing some 22 of the barriers that students may face to 23 participating in the PSEO program. 24 A. Okay. 25 Q. And you had mentioned that the only</p>	<p style="text-align: right;">Page 52</p> <p>1 one of the indicators that they're going to be 2 able to be successful doing that concurrent 3 enrollment. 4 Q. Okay. So if a school -- so let's say 5 the University of Minnesota had a minimum GPA 6 to participate in the PSEO program, must be at 7 3.5 or whatever it is, and any student who 8 doesn't meet that threshold cannot participate 9 in the PSEO program at this university, is that 10 a barrier to that student participating in the 11 PSEO program at that school? 12 A. So I need to clarify my earlier answer. 13 Q. Uh-huh. 14 A. My understanding was your high school 15 GPA. 16 Q. Correct. 17 A. And so my understanding -- what I was 18 saying was you're speaking with your high 19 school counselors and they're looking at your 20 GPA. I was not referring to it's the 21 university or the institution, the higher -- or 22 the postsecondary institution's requirement. 23 That's not what I was referring to. 24 Q. Uh-huh. 25 A. I was strictly talking about, as a high</p>
<p style="text-align: right;">Page 51</p> <p>1 barrier you were aware of was this faith 2 statement requirement? 3 A. Uh-huh. 4 Q. Okay. So would you consider a GPA 5 requirement to be a barrier to entry, students 6 who can't meet that GPA can't get into that 7 school? 8 A. To meet their high school GPA or to be 9 in good standing? 10 Q. Yeah. So a high school student with a 11 GPA below a certain threshold wouldn't meet the 12 requirements of the postsecondary institution, 13 would that be a barrier to entry? 14 A. Potentially. 15 Q. What do you mean by "potentially"? 16 A. So what I mean by that -- so GPA, 17 usually a GPA in high school is -- it's a -- 18 not necessarily a standard, but it's an 19 indicator of if you are going to be successful 20 or be able to handle the college course or the 21 level or the rigor of a college course. So do 22 I see that as a barrier? No. If they are 23 handling what they're doing at high school and 24 they're ready for that next piece, that's just 25 one of barriers -- not barriers, that's just</p>	<p style="text-align: right;">Page 53</p> <p>1 school student, what your high school 2 recommendation from your counselors there are. 3 So I was not talking about the University of 4 Minnesota or some other institution's GPA. 5 Q. Uh-huh. Okay. Now -- so back to my 6 question then about the university with the 7 minimum GPA requirement -- 8 A. Okay. 9 Q. -- says a high school student must have 10 a high school GPA of 3.5 -- 11 A. Okay. 12 Q. -- is that a barrier to entry for that 13 student? 14 A. Potentially. 15 Q. Now what do you mean by "potentially"? 16 A. I don't know the -- my answer would 17 be -- or how I would respond to that is I'm 18 applying to -- I've graduated, and I have a 19 3.45 GPA, and I want to attend the University 20 of Minnesota, but their requirements say I need 21 a 3.5, yes, that is now a barrier. And so to 22 answer your question, then yes, that would be a 23 barrier. 24 Q. Okay. Is MDE concerned about barriers 25 like that for PSEO students participating in</p>

<p style="text-align: right;">Page 54</p> <p>1 schools -- does MDE have any concerns about</p> <p>2 schools imposing a minimum GPA requirement as a</p> <p>3 barrier to PSEO students attending at their</p> <p>4 school?</p> <p>5 A. I do not know.</p> <p>6 Q. Okay. Have you ever heard anybody</p> <p>7 within the Department discuss whether that</p> <p>8 would be a problem?</p> <p>9 A. GPA? No.</p> <p>10 Q. Okay. So the only barrier that you're</p> <p>11 aware of that the Department was trying to</p> <p>12 address is this faith statement requirement, is</p> <p>13 that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. So earlier I believe you said</p> <p>16 that if a school offered online PSEO that</p> <p>17 didn't have this barrier, then that would be an</p> <p>18 okay solution, is that correct?</p> <p>19 MR. TIMMERMAN: Objection,</p> <p>20 mischaracterizes prior testimony.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: My understanding is</p> <p>23 that if I was going to be online -- I'm a</p> <p>24 student. If I am going to attend a college,</p> <p>25 university that's online, that the faith</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Did anybody ever mention any schools to</p> <p>2 you that have that requirement?</p> <p>3 A. Crown College, Northwestern is the two</p> <p>4 when I was going to this meeting that I was</p> <p>5 aware of.</p> <p>6 Q. Uh-huh.</p> <p>7 A. I knew -- so the answer is no, other</p> <p>8 than that's what I've honed in on since this</p> <p>9 moment in time.</p> <p>10 Q. Okay. Has the Department ever looked at</p> <p>11 any other schools to determine whether they</p> <p>12 have a -- since -- sorry, not ever, but</p> <p>13 since -- sorry. Has the Department ever looked</p> <p>14 at other schools to determine whether they have</p> <p>15 a faith statement requirement as part of their</p> <p>16 PSEO admissions?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know who would know that?</p> <p>19 A. They're always telling me not to assume,</p> <p>20 but I would say our government relations team.</p> <p>21 Q. Okay. Do they usually look into -- why</p> <p>22 would they know that information?</p> <p>23 A. Government relations, if we're getting</p> <p>24 ready to impose a policy --</p> <p>25 Q. Uh-huh.</p>
<p style="text-align: right;">Page 55</p> <p>1 statement or -- the terminology I'm not going</p> <p>2 to use correctly, that there's no -- that I can</p> <p>3 still attend a particular university or</p> <p>4 college.</p> <p>5 BY MR. FLESHMAN:</p> <p>6 Q. Uh-huh.</p> <p>7 A. But if I'm in person, stepping foot on</p> <p>8 the campus, then I need to fill something</p> <p>9 out -- now I need to fill out the statement and</p> <p>10 now there's -- now that creates a barrier in</p> <p>11 terms of if I'm a -- yeah, it just creates a</p> <p>12 barrier because now my faith is involved in</p> <p>13 that, so yes. So to me, there was a</p> <p>14 discrepancy -- not a discrepancy, but a</p> <p>15 difference between if I am going to be an</p> <p>16 online student versus being an in-person</p> <p>17 student.</p> <p>18 Q. Are you aware of how many schools in</p> <p>19 Minnesota have a faith statement requirement?</p> <p>20 A. No.</p> <p>21 Q. Do you know if anybody at the Department</p> <p>22 of Education is aware of that information?</p> <p>23 A. I'm sure someone is, but I don't know.</p> <p>24 Q. Do you know who that would be?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. -- somebody on the legislative -- as</p> <p>2 we're doing the hearings or whatever, somebody</p> <p>3 is going to ask that question, the impact.</p> <p>4 Q. Okay. Are you aware of what the -- do</p> <p>5 you know if the government relations team did</p> <p>6 look at the impact of this --</p> <p>7 A. I do not know.</p> <p>8 Q. Okay. Did they ever discuss it with you</p> <p>9 after your appointment --</p> <p>10 A. No.</p> <p>11 Q. -- what the potential impact was going</p> <p>12 to be?</p> <p>13 A. No.</p> <p>14 Q. Okay. Did they discuss the goals that</p> <p>15 the amendment was supposed to serve?</p> <p>16 A. The goals of the amendment, yes.</p> <p>17 Q. Okay. And what did they tell you?</p> <p>18 A. Talking about access and opportunity,</p> <p>19 removing barriers.</p> <p>20 Q. Okay. I'm going to give you another</p> <p>21 document to look at.</p> <p>22 MR. FLESHMAN: We'll mark this one</p> <p>23 as Exhibit 2.</p> <p>24 (Exhibit Number 2 marked for</p> <p>25 identification.)</p>

<p style="text-align: right;">Page 58</p> <p>1 BY MR. FLESHMAN:</p> <p>2 Q. Go ahead and take a look at the</p> <p>3 document. Take as much time as you need to</p> <p>4 review it.</p> <p>5 A. (Views document.) Okay.</p> <p>6 Q. Do you recognize this document?</p> <p>7 A. No.</p> <p>8 Q. What is the document?</p> <p>9 A. The document -- the title of it is</p> <p>10 Rigorous Course Taking: Advanced Placement,</p> <p>11 International Baccalaureate, Concurrent</p> <p>12 Enrollment and Postsecondary Options Programs.</p> <p>13 Q. Thank you. And the document notes that</p> <p>14 it is a, "Report to the Legislature as required</p> <p>15 by Minnesota 2022 Statutes, Section 120B.13,"</p> <p>16 is that correct? On the front cover.</p> <p>17 A. Correct.</p> <p>18 Q. Would you normally review a statutorily</p> <p>19 mandated report before it went to the</p> <p>20 legislature?</p> <p>21 A. Me personally?</p> <p>22 Q. Uh-huh.</p> <p>23 A. No.</p> <p>24 Q. Would the cabinet review it?</p> <p>25 A. Someone would.</p>	<p style="text-align: right;">Page 60</p> <p>1 reports are being generated?</p> <p>2 A. No.</p> <p>3 Q. Okay. So under what circumstances would</p> <p>4 you ask to see a report like this?</p> <p>5 A. If somebody requested that I review it</p> <p>6 or see it, or if the assistant commissioner</p> <p>7 brought it to my attention.</p> <p>8 Q. Uh-huh. Why would he bring it to your</p> <p>9 attention, or she?</p> <p>10 A. Why would she?</p> <p>11 Q. Yeah.</p> <p>12 A. If there was a concern, if they knew</p> <p>13 that I needed to have my eyes on it and to get</p> <p>14 my opinion.</p> <p>15 Q. Is it fair to say that this report</p> <p>16 reflects the Department's views on the programs</p> <p>17 that are discussed in the report?</p> <p>18 A. Yes.</p> <p>19 Q. Let's turn to the page ending in 455.</p> <p>20 Do you see the first paragraph on the page</p> <p>21 beginning with, "The Minnesota Legislature..."?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Could you please read that for</p> <p>24 the record?</p> <p>25 A. "The Minnesota Legislature has long</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Who would review it?</p> <p>2 A. Depending on -- so this one, when you</p> <p>3 read the first part, it says Career and College</p> <p>4 Success Division on the inside cover. I'm</p> <p>5 looking at the number that you have where it</p> <p>6 says MDE and the last three digits are 452.</p> <p>7 Q. Okay. So your understanding is that the</p> <p>8 head of the Career and College Success Division</p> <p>9 would review this before it goes to the</p> <p>10 legislature?</p> <p>11 A. They would review it and then bring it</p> <p>12 to their assistant commissioner and then</p> <p>13 potentially that could come to a cabinet-level</p> <p>14 moment potentially and then from there.</p> <p>15 Q. Okay. Who is the assistant commissioner</p> <p>16 that's responsible for the Career and College</p> <p>17 Success Division?</p> <p>18 A. Dr. Angela Mansfield.</p> <p>19 Q. Angela Mansfield.</p> <p>20 A. Uh-huh.</p> <p>21 Q. And under what circumstances would a</p> <p>22 report like this come to the cabinet?</p> <p>23 A. If we asked to see it or to review it,</p> <p>24 if I asked to see it or review it.</p> <p>25 Q. Are you usually aware of when these</p>	<p style="text-align: right;">Page 61</p> <p>1 supported the Advanced Placement (AP),</p> <p>2 International Baccalaureate (IB), Postsecondary</p> <p>3 Enrollment Options (PSEO) and concurrent</p> <p>4 enrollment programs with legislation to expand</p> <p>5 participation and specific appropriations to</p> <p>6 support schools, teachers and students. These</p> <p>7 programs offer pathways to Minnesota students,</p> <p>8 provide opportunities and preparation for the</p> <p>9 world beyond high school. And gives students</p> <p>10 the opportunity to earn college credit while in</p> <p>11 high school. This report provides analysis of</p> <p>12 data trends from 2019 to 2021 and highlights</p> <p>13 student participation data and fiscal</p> <p>14 expenditures from 2020 to 2021 school year."</p> <p>15 Q. Thank you. So does this also reflect</p> <p>16 your understanding of the Department's goals in</p> <p>17 offering the PSEO program? Where it says,</p> <p>18 "These programs offer pathways to Minnesota</p> <p>19 students, provide opportunities and preparation</p> <p>20 for the world beyond high school and gives</p> <p>21 students the opportunity to earn college credit</p> <p>22 while in high school."</p> <p>23 A. So your question is?</p> <p>24 Q. Yeah. Does that reflect your</p> <p>25 understanding of the Department's goals in</p>

<p style="text-align: right;">Page 62</p> <p>1 offering the PSEO program?</p> <p>2 A. Yes.</p> <p>3 Q. Let's turn to the next page, 456. Would</p> <p>4 you please read that first paragraph beginning</p> <p>5 with, "Challenging rigorous learning</p> <p>6 opportunities..."?</p> <p>7 A. "Challenging rigorous learning</p> <p>8 opportunities are essential in preparing</p> <p>9 students for success in postsecondary</p> <p>10 institutions and ensuring career and college</p> <p>11 readiness. Minnesota's rigorous course</p> <p>12 programs include advanced placement,</p> <p>13 International Baccalaureate, Postsecondary</p> <p>14 Enrollment Options and concurrent enrollment.</p> <p>15 These programs allow high school students the</p> <p>16 opportunity to take rigorous college-level</p> <p>17 courses and the potential to earn college</p> <p>18 credit while in high school. Research shows</p> <p>19 that participation in rigorous courses,</p> <p>20 specifically dual enrollment, leads to better</p> <p>21 outcomes in high school as well as college</p> <p>22 enrollment and persistence."</p> <p>23 Q. Thank you. Is it fair to say that the</p> <p>24 PSEO program has positive impacts for high</p> <p>25 school students that participate in the</p>	<p style="text-align: right;">Page 64</p> <p>1 institutions?</p> <p>2 A. Potentially, yes.</p> <p>3 Q. What do you mean "potentially"?</p> <p>4 A. For some students it's best or it's</p> <p>5 better for. I'm not going to speculate for</p> <p>6 all.</p> <p>7 Q. Understood. Is another one of these</p> <p>8 benefits that it allows students to earn</p> <p>9 college credit while in high school?</p> <p>10 A. Yes.</p> <p>11 Q. And as the report says, that it leads to</p> <p>12 better high school and college outcomes,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. So is it fair to say that the Department</p> <p>16 of Education wants to encourage as many</p> <p>17 students -- in your understanding of what the</p> <p>18 Department's goals are, that the Department</p> <p>19 wants to encourage as many students as possible</p> <p>20 to participate in these dual enrollment</p> <p>21 programs?</p> <p>22 A. I believe the Department of Education's</p> <p>23 goal is to encourage students who want to</p> <p>24 pursue this -- because I heard you say "as many</p> <p>25 students."</p>
<p style="text-align: right;">Page 63</p> <p>1 program?</p> <p>2 MR. TIMMERMAN: Objection, calls for</p> <p>3 speculation.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: I do not know.</p> <p>6 BY MR. FLESHMAN:</p> <p>7 Q. Okay. Well, it says here, "Research</p> <p>8 shows that participation in rigorous courses,</p> <p>9 specifically dual enrollment, leads to better</p> <p>10 outcomes in high school as well as college</p> <p>11 enrollment and persistence." Is it the</p> <p>12 Department's view that the PSEO program, which</p> <p>13 offers dual enrollment, leads to these better</p> <p>14 outcomes for high school students?</p> <p>15 MR. TIMMERMAN: I'm just going to</p> <p>16 object on the grounds that he's not here as a</p> <p>17 30(b)(6) witness.</p> <p>18 You can testify in your individual</p> <p>19 capacity as to your personal understanding.</p> <p>20 THE WITNESS: My personal</p> <p>21 understanding based on reading that would be</p> <p>22 yes.</p> <p>23 BY MR. FLESHMAN:</p> <p>24 Q. Thank you. And is that because it</p> <p>25 prepares students for success in postsecondary</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Uh-huh.</p> <p>2 A. But for students who want to pursue</p> <p>3 this, the answer would be yes.</p> <p>4 Q. Okay. And to reduce barriers for those</p> <p>5 students that do want to?</p> <p>6 A. Yes.</p> <p>7 Q. And one way to encourage or enable</p> <p>8 students who want to participate would be to</p> <p>9 ensure that as many postsecondary institutions</p> <p>10 as possible can participate in the PSEO</p> <p>11 program, correct?</p> <p>12 A. Correct.</p> <p>13 Q. But not every postsecondary institution</p> <p>14 can open all their classes to students,</p> <p>15 right --</p> <p>16 MR. TIMMERMAN: Objection --</p> <p>17 BY MR. FLESHMAN:</p> <p>18 Q. -- based on limitations of -- sorry.</p> <p>19 MR. TIMMERMAN: Sorry. I should</p> <p>20 have let you finish your question. Go ahead</p> <p>21 and finish.</p> <p>22 BY MR. FLESHMAN:</p> <p>23 Q. Based on limitations in the classroom or</p> <p>24 other factors?</p> <p>25 MR. TIMMERMAN: Objection, calls for</p>

<p style="text-align: right;">Page 66</p> <p>1 speculation.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: I do not know.</p> <p>4 BY MR. FLESHMAN:</p> <p>5 Q. So it would be in -- in your view, would</p> <p>6 it be in the Department's best interest</p> <p>7 encouraging students to -- for the purposes of</p> <p>8 encouraging students to participate who want to</p> <p>9 participate, would it be in the Department's</p> <p>10 best interest to allow as many institutions as</p> <p>11 possible to participate in the PSEO program?</p> <p>12 A. Make sure I understand the question.</p> <p>13 Can you repeat that one more time, please?</p> <p>14 Q. Yeah. It would be in the Department's</p> <p>15 interest to have as many eligible institutions</p> <p>16 as possible for the PSEO program so that as</p> <p>17 many students who want to participate can</p> <p>18 participate, is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever publicly advocate in favor</p> <p>21 of the amendment at issue in this case?</p> <p>22 A. I'm sure I -- so the answer is yes,</p> <p>23 because I did a talking points moment to the</p> <p>24 legislature.</p> <p>25 Q. Okay. How many times did you do a</p>	<p style="text-align: right;">Page 68</p> <p>1 within MDE regarding the amendment advocating</p> <p>2 in kind of a more personal conversation with</p> <p>3 anybody --</p> <p>4 A. No.</p> <p>5 Q. -- not in a meeting? Okay.</p> <p>6 Did you ever speak with the governor</p> <p>7 regarding the amendment?</p> <p>8 A. No.</p> <p>9 Q. Did you speak with anybody from the</p> <p>10 governor's office regarding the amendment?</p> <p>11 A. No. Hold on. Government relations team</p> <p>12 person for the governor, her name would've been</p> <p>13 Sidney Spreck. And so if I'm walking into a</p> <p>14 hearing with -- for the House or for the Senate</p> <p>15 and our government relations team with Adosh</p> <p>16 Unni and his team was there, Sidney would have</p> <p>17 been sitting there. So yep, she would have</p> <p>18 been part of the conversation as we're walking</p> <p>19 through a door.</p> <p>20 Q. Okay. Do you recall any -- or -- so</p> <p>21 this would have been just before the testimony?</p> <p>22 A. Correct.</p> <p>23 Q. Did she help you prepare for your</p> <p>24 testimony in any way?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 67</p> <p>1 talking points moment to the legislature?</p> <p>2 A. This is policy. I don't know exactly.</p> <p>3 But I'm going to say twice, one for the House</p> <p>4 policy and one for the Senate policy. So I</p> <p>5 would say twice. That's my guess to that.</p> <p>6 Q. Okay. Would that have been before the</p> <p>7 committees, or with just the chairs and -- of</p> <p>8 those --</p> <p>9 A. Committees.</p> <p>10 Q. -- with the committees and</p> <p>11 [unintelligible] committees?</p> <p>12 A. Correct.</p> <p>13 Q. Do you remember when that occurred?</p> <p>14 A. No. During the legislative session.</p> <p>15 Q. Okay. Do you recall what you said?</p> <p>16 A. Nope. No.</p> <p>17 Q. Did you ever advocate for the amendment</p> <p>18 within the Department of Education?</p> <p>19 A. Within the Department of Education,</p> <p>20 like --</p> <p>21 Q. Uh-huh.</p> <p>22 A. -- in a meeting with only MDE folks?</p> <p>23 Q. Yeah.</p> <p>24 A. No.</p> <p>25 Q. Okay. Did you ever speak with anybody</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Okay. She was just present when you</p> <p>2 were about to give the testimony?</p> <p>3 A. Yes.</p> <p>4 Q. Did she help with preparing the talking</p> <p>5 points?</p> <p>6 A. No.</p> <p>7 Q. Did she ever say anything to you</p> <p>8 personally about the amendment?</p> <p>9 A. No.</p> <p>10 Q. Did you overhear her speaking with Adosh</p> <p>11 or any of the other government relations staff</p> <p>12 about it?</p> <p>13 A. No.</p> <p>14 (Exhibit Number 3 marked for</p> <p>15 identification.)</p> <p>16 BY MR. FLESHMAN:</p> <p>17 Q. This is just a printout, a transcript of</p> <p>18 your remarks before the House education policy</p> <p>19 committee on March 8th. Go ahead and take a</p> <p>20 minute to review and let me know when you're</p> <p>21 ready.</p> <p>22 A. (Views document.) Okay.</p> <p>23 Q. Do you recall testifying before the</p> <p>24 House education policy committee last March?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 70</p> <p>1 Q. And you mentioned that your government 2 relations team had prepared some talking points 3 for you? 4 A. Yes. 5 Q. Were you reading from those talking 6 points here when you gave your testimony? 7 A. Yes. 8 Q. Okay. Were those typed up for you and 9 printed out? 10 A. Yes. 11 Q. Okay. Did you give those to the 12 attorney general's office to produce? 13 A. I did not. 14 Q. Okay. Do you know if they're still 15 saved someplace -- you have just a physical 16 copy, it was never emailed to you? 17 A. I'm sure it was emailed to me. 18 Q. Okay. 19 A. So usually I would get that the morning 20 of or the night before. 21 Q. Uh-huh. Okay. 22 A. It would have came from government 23 relations office, Adosh Unni. 24 Q. Okay. 25 MR. TIMMERMAN: Counsel, I'll just</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes. 2 Q. What do you mean by "making sure that 3 our students pursue Postsecondary Enrollment 4 Options"? 5 A. That they have the ability to access -- 6 for them to have an access opportunity so that 7 they can pursue what they want to do after high 8 school. 9 Q. So your requirements are again 10 discussing opening up access to any institution 11 the student wants to attend? 12 A. Yes, yes. 13 Q. Was there a concern at that time that 14 there were not enough students enrolling in 15 PSEO? 16 A. I do not know. 17 Q. Have you learned about such a concern 18 since then? 19 A. No. 20 Q. Do you know if anybody at the Department 21 of Education expressed that concern internally? 22 A. I do not know. 23 Q. Do you know of anybody who would know 24 that? 25 A. No.</p>
<p style="text-align: right;">Page 71</p> <p>1 represent that those were produced yesterday. 2 MR. FLESHMAN: Thank you. 3 MR. TIMMERMAN: Yeah. 4 BY MR. FLESHMAN: 5 Q. All right. So if you would turn to 6 page 3. These have just regular page numbers. 7 And the bottom of page 3 in the last paragraph, 8 the very last sentence that starts with, "There 9 are so many other provisions..." 10 Do you see that? 11 A. Yes. 12 Q. All right. Would you read that sentence 13 carrying over on to page 4? 14 A. Sure. "There are so many other 15 provisions in this bill that allow for our 16 students to have a world-class education and to 17 succeed academically, like making sure that our 18 students pursue Postsecondary Enrollment 19 Options with the support of public education 20 funding." 21 Q. Thank you. Do you recall saying this 22 during your testimony? 23 A. Yes. 24 Q. Is this referencing the proposed change 25 to the PSEO eligibility requirements?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. So what did you hope that the amendment 2 would accomplish? 3 A. As I said before, to remove barriers, 4 obstacles, provide opportunities for all 5 students or as many students as possible. 6 Q. So the hope was that the schools that 7 had faith statement requirements would get rid 8 of those requirements, is that correct? 9 A. The hope was that they would remove 10 barriers, so yes. 11 Q. Did you ever consider whether the 12 schools that had faith statement requirements 13 would simply stop offering PSEO as a result of 14 the amendment? 15 A. In my conversation or discussion with 16 the two presidents, one of them said the 17 potential of that. 18 Q. Uh-huh. Was that before or after you 19 testified before the committee? 20 A. After. 21 Q. Okay. If those institutions stopped 22 offering PSEO, would that have furthered the 23 goal of expanding access to students? 24 A. No. 25 Q. Because there would be fewer</p>

<p style="text-align: right;">Page 74</p> <p>1 institutions offering PSEO?</p> <p>2 A. My example would be -- I don't know the</p> <p>3 number. But if there was ten, and one decided</p> <p>4 not to do that, and there would be nine, the</p> <p>5 answer would be yes, correct.</p> <p>6 Q. So your conversation with the schools</p> <p>7 was the first time that you had ever heard that</p> <p>8 there was potential for schools to just leave</p> <p>9 the PSEO program behind?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Do you know if anybody at the</p> <p>12 Department of Education had ever considered</p> <p>13 that alternative?</p> <p>14 A. I do not know.</p> <p>15 Q. Do you know if anybody at the governor's</p> <p>16 office had considered that?</p> <p>17 A. I don't know.</p> <p>18 Q. Anybody at the legislature?</p> <p>19 A. I don't know.</p> <p>20 Q. Did anybody ever raise it with the</p> <p>21 committees during the legislative process?</p> <p>22 A. I do not know.</p> <p>23 Q. If the schools stopped offering PSEO</p> <p>24 because of the amendment, would you be in favor</p> <p>25 of allowing them to reinstate their faith</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Because I believe that it is creating a</p> <p>2 barrier for students.</p> <p>3 Q. More of a barrier than not having a PSEO</p> <p>4 program at all?</p> <p>5 A. Yes.</p> <p>6 Q. How?</p> <p>7 A. Because what I believe is you are having</p> <p>8 the student have to talk about their -- in</p> <p>9 other words, they have to talk about their</p> <p>10 faith to be accepted to the specific</p> <p>11 institution. I believe that that creates a</p> <p>12 barrier.</p> <p>13 Q. More of a barrier than not having a PSEO</p> <p>14 program at all, though? If a student wants to</p> <p>15 take a PSEO course at Northwestern currently,</p> <p>16 they sign the statement of faith and they can</p> <p>17 take the online campus class. So that student</p> <p>18 has access to the PSEO program. If</p> <p>19 Northwestern stops offering PSEO altogether,</p> <p>20 even the student that's willing to sign the</p> <p>21 statement of faith doesn't have access to that</p> <p>22 program. Isn't not having an institution</p> <p>23 offering PSEO more of a barrier than a</p> <p>24 statement of faith requirement?</p> <p>25 MR. TIMMERMAN: Objection, asked and</p>
<p style="text-align: right;">Page 75</p> <p>1 statement policies to restore access to the</p> <p>2 PSEO programs?</p> <p>3 MR. TIMMERMAN: Objection, vague.</p> <p>4 You can answer if you understand.</p> <p>5 THE WITNESS: I do not understand</p> <p>6 the question.</p> <p>7 BY MR. FLESHMAN:</p> <p>8 Q. Okay. So let's say the schools that are</p> <p>9 affected by this, schools that have the faith</p> <p>10 statement requirement stop offering PSEO, that</p> <p>11 reduces the number of institutions that offer</p> <p>12 PSEO, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Would you be in favor of allowing them</p> <p>15 to resume under the old system where they could</p> <p>16 have their faith statement requirements thereby</p> <p>17 restoring additional providers of PSEO courses?</p> <p>18 MR. TIMMERMAN: Objection, calls for</p> <p>19 a speculation.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: If I am understanding</p> <p>22 your question correctly, so for them to go</p> <p>23 against the amendment, the answer would be no.</p> <p>24 BY MR. FLESHMAN:</p> <p>25 Q. And why not?</p>	<p style="text-align: right;">Page 77</p> <p>1 answered, compound.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: I do not believe so.</p> <p>4 BY MR. FLESHMAN:</p> <p>5 Q. So this is really just an objection to</p> <p>6 the faith statement requirement then? The</p> <p>7 amendment is focused on this faith statement</p> <p>8 issue?</p> <p>9 A. My understanding, yes.</p> <p>10 Q. Thank you. Apart from your formal</p> <p>11 testimony, did you ever speak with members of</p> <p>12 the legislature regarding the amendment?</p> <p>13 A. No.</p> <p>14 Q. During the committee --</p> <p>15 A. Hold on one second. Say your question</p> <p>16 one more time.</p> <p>17 Q. Apart from your formal testimony when</p> <p>18 you spoke before the committees, did you speak</p> <p>19 with any members of the legislature regarding</p> <p>20 the amendment?</p> <p>21 A. Jim Abeler.</p> <p>22 Q. Who is Jim Abeler?</p> <p>23 A. He is -- I can't recall if he's a --</p> <p>24 it's Senator Abeler. He's a senator. He's on</p> <p>25 one of the committees. And he came to talk to</p>

<p style="text-align: right;">Page 78</p> <p>1 me about different things that the Department 2 of Education -- whether it was budget or 3 policy, he had a list of things that he wanted 4 to talk about. And I believe one of the things 5 that he talked about or wanted to discuss was 6 this. 7 Q. Okay. 8 A. As a matter of fact, he's the one that 9 asked me if he could put me in contact with the 10 presidents from those two particular colleges. 11 Q. Okay. Do you recall when this 12 conversation took place? 13 A. During the legislative session. 14 Q. Okay. Was it before or after you 15 testified, do you recall? 16 A. I'm going to assume after, but I don't 17 know. 18 Q. Okay. Did you take any notes on that 19 meeting? 20 A. No. 21 Q. Was it a calendared meeting, or he just 22 showed up at your office or called you? 23 A. He set an appointment. 24 Q. And what did he tell you about the 25 amendment?</p>	<p style="text-align: right;">Page 80</p> <p>1 Bakeberg, and it looks like an email exchange 2 from him to Greg. Or maybe it's from Greg to 3 Ben. It looks like an exchange from Greg, who 4 is the vice president for strategy and chief of 5 staff at the University of Northwestern. And 6 it looks like Greg sent something to Senator 7 Bakeberg. And then I don't know who Kristin 8 is. But then it goes -- then there's a 9 response from Senator Bakeberg. 10 Q. Thank you. Is Senator Bakeberg on any 11 of the education committees? 12 A. I believe so. 13 Q. Do you remember which one? 14 A. No. 15 Q. Just below the address to Kristin 16 there's a sentence that starts with, "I've got 17 a lot of thoughts." Would you mind reading 18 that, please? 19 MR. TIMMERMAN: I'm going to object 20 on foundation grounds to this exhibit. 21 But you can answer. 22 THE WITNESS: "I've got a lot of 23 thoughts on this and have ongoing conversations 24 with families, Crown, Northwestern, MDE staff 25 and the commissioner. Below are a few high</p>
<p style="text-align: right;">Page 79</p> <p>1 A. Just that he had concerns, and that 2 colleges and universities had concerns, and 3 would meet with them to hear their concerns. 4 Q. What concerns did he express? 5 A. He didn't express. He didn't get 6 into -- I don't remember the specifics of what 7 he said. I just know he asked me to meet with 8 the presidents. 9 Q. Okay. And he just said: We have some 10 concerns. Can you meet with the presidents? 11 That's all? 12 A. That's my recollection. 13 Q. Okay. 14 (Exhibit Number 4 marked for 15 identification.) 16 BY MR. FLESHMAN: 17 Q. Go ahead and take your time to review 18 the document. 19 A. (Views document.) Okay. 20 Q. Thank you. Have you ever seen this 21 document before? 22 A. No. 23 Q. Based on your review of it, what does it 24 appear to be? 25 A. I believe it's Senator Bakeberg, Ben</p>	<p style="text-align: right;">Page 81</p> <p>1 points." 2 BY MR. FLESHMAN: 3 Q. Thank you. He says he's got ongoing 4 conversations with you. Do you recall having 5 any conversations with Representative Bakeberg 6 about the PSEO amendment? 7 A. No, I do not remember. 8 Q. Do you recall whether he ever sent you 9 any emails or left you any voice messages about 10 it? 11 A. I do not remember. 12 Q. Any communication with Representative 13 Bakeberg at all? 14 A. I do not remember. 15 Q. Do you know whether anybody within the 16 Department of Education was speaking with 17 Representative Bakeberg about this issue? 18 A. Never want to assume, but I'm going to, 19 our government relations team. 20 Q. Did they ever loop you into any of those 21 conversations or make you aware of them? 22 A. No. 23 Q. The fifth bullet point down starts with, 24 "I shared that many see this bill..." 25 A. Yep.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. Do you see that?</p> <p>2 A. Correct.</p> <p>3 Q. All right. Would you read that bullet</p> <p>4 point for us, please?</p> <p>5 A. It's the fourth?</p> <p>6 Q. I guess. Yeah. There's an internal one</p> <p>7 there.</p> <p>8 A. Okay. "I shared that many see this bill</p> <p>9 1269 as an attack on people of faith.</p> <p>10 Commissioner Jett was surprised by that</p> <p>11 comment. The other MDE staff were</p> <p>12 uncomfortable. Below is my rationale."</p> <p>13 Q. Thank you. Do you recall whether</p> <p>14 Representative Bakeberg ever shared with you</p> <p>15 that many people see this bill as an attack on</p> <p>16 people of faith?</p> <p>17 A. No, I do not recall.</p> <p>18 Q. Did anybody in the legislature ever</p> <p>19 express that to you?</p> <p>20 A. Not that I recall.</p> <p>21 Q. It says, "Commissioner Jett was</p> <p>22 surprised by that comment."</p> <p>23 A. Uh-huh.</p> <p>24 Q. Did anybody ever -- outside of the</p> <p>25 legislature, did anybody express to you that</p>	<p style="text-align: right;">Page 84</p> <p>1 to your knowledge?</p> <p>2 A. I think so. I do not know.</p> <p>3 Q. Are you aware of any schools that have a</p> <p>4 faith statement requirement that are not</p> <p>5 religious?</p> <p>6 A. No.</p> <p>7 Q. Did anybody ever express to you that</p> <p>8 this was -- that this bill was specifically</p> <p>9 going after a particular set of schools, such</p> <p>10 as Crown or Northwestern?</p> <p>11 A. No.</p> <p>12 Q. Are you aware of any other schools that</p> <p>13 would have been affected by this amendment?</p> <p>14 A. No.</p> <p>15 Q. He also says, "The other MDE staff were</p> <p>16 uncomfortable." Do you know if anybody within</p> <p>17 the Department of Education ever received a</p> <p>18 comment like this saying that the bill was an</p> <p>19 attack on people of faith?</p> <p>20 A. I do not know.</p> <p>21 Q. Did anybody ever mention anything like</p> <p>22 that to you?</p> <p>23 A. No.</p> <p>24 Q. Down below there's a bullet point. I'll</p> <p>25 just read it. It says, "Crown and Northwestern</p>
<p style="text-align: right;">Page 83</p> <p>1 this bill was seen as an attack on people of</p> <p>2 faith?</p> <p>3 A. No.</p> <p>4 Q. Would you have been surprised by that?</p> <p>5 A. That somebody would view it as an attack</p> <p>6 on faith, no.</p> <p>7 Q. Why not?</p> <p>8 A. If I'm someone -- now you're asking me</p> <p>9 to speculate or put myself in somebody else's</p> <p>10 shoes. And so in putting myself in the other</p> <p>11 individual's shoes, if I am -- it's a viewpoint</p> <p>12 that that person could potentially have.</p> <p>13 Q. Uh-huh.</p> <p>14 A. That's why.</p> <p>15 Q. Why do you think somebody would have</p> <p>16 that viewpoint?</p> <p>17 A. I didn't say they would. I said I could</p> <p>18 understand them having that.</p> <p>19 Q. Why could you understand somebody having</p> <p>20 that? Why could they have that?</p> <p>21 A. Because we're talking about schools or</p> <p>22 universities that have the faith-based</p> <p>23 statement.</p> <p>24 Q. Are these exclusively religious-based</p> <p>25 schools that are have a faith-based statement,</p>	<p style="text-align: right;">Page 85</p> <p>1 presidents have met with Commissioner Jett."</p> <p>2 Do you see that bullet point?</p> <p>3 A. Yes.</p> <p>4 Q. Had you already met with presidents of</p> <p>5 Crown, Northwestern by March 16th?</p> <p>6 A. I would have to look to see the date</p> <p>7 that I met with them.</p> <p>8 Q. Understand. When you met with them, did</p> <p>9 they express concerns similar to what</p> <p>10 Representative Bakeberg has laid out here in</p> <p>11 his email?</p> <p>12 A. Can you repeat your question?</p> <p>13 Q. Did the schools express any concerns</p> <p>14 that this bill was an attack on people of faith</p> <p>15 or that it was targeting them specifically?</p> <p>16 A. Yes.</p> <p>17 Q. Were you surprised to hear them say</p> <p>18 that?</p> <p>19 A. No.</p> <p>20 Q. Why not?</p> <p>21 A. Because they were the individuals -- or</p> <p>22 the institutions that were being impacted by</p> <p>23 this.</p> <p>24 Q. Did they mention any other institutions</p> <p>25 that they thought would be impacted by it?</p>

<p style="text-align: right;">Page 86</p> <p>1 A. No. They talked about their schools, 2 that I remember. 3 Q. Okay. In the next bullet point, the 4 second sentence of that bullet point, it says 5 -- there's a sentence that begins with, "I 6 reminded them..." 7 Do you see that sentence? 8 A. The "MDE is dug in on..." and the next 9 sentence after that? 10 Q. Uh-huh. Yes. 11 A. Yes. 12 Q. Would you read that sentence for us? 13 A. "I reminded them these faith-based 14 institutions have the right to have a..." I 15 don't know how you pronounce that word, 16 s-t-a-m-e-n -- 17 Q. I think it's supposed to be "statement." 18 A. Oh. "...statement of faith, and they 19 will/may not offer on-site PSEO to anyone." 20 Q. Did Representative Bakeberg ever remind 21 you of this? 22 A. I answered that before. I don't 23 remember a conversation with Representative 24 Bakeberg. 25 Q. Do you know if he said that to anybody</p>	<p style="text-align: right;">Page 88</p> <p>1 enrolled in PSEO. 2 BY MR. FLESHMAN: 3 Q. All right. And why are they discussing 4 that information? 5 A. Because it looks like -- the subject at 6 the top of it says that there was a legislative 7 request. 8 Q. Do you see -- if you turn to page 1720, 9 it's the last page of the document, it says 10 here, "Senator Kunesh is interested in getting 11 more information about the demographic 12 breakdowns of student populations currently 13 enrolled in Postsecondary Enrollment Options 14 (PSEO) programs at private postsecondary 15 institutions. She would like info on 16 race/ethnicity religion and, if possible, 17 whether those students are fully online at PSEO 18 or in person/on campus." 19 Did I read that correctly? 20 A. Yes. 21 Q. So Senator Kunesh is the one requesting 22 this information, is that right? 23 A. According to this document, yes. 24 Q. In your experience, is it common for 25 legislators to request this kind of information</p>
<p style="text-align: right;">Page 87</p> <p>1 within the Department of Education? 2 A. I do not know. 3 Q. Did anyone within the Department of 4 Education ever discuss this possibility with 5 you? 6 A. No. 7 Q. Did you hear it discussed in any of the 8 legislative sessions? 9 A. Not that I remember. 10 (Exhibit Number 5 marked for 11 identification.) 12 BY MR. FLESHMAN: 13 Q. Go ahead and take your time to review 14 the document. 15 A. (Views document.) Okay. 16 Q. Have you ever seen this document before? 17 A. No. 18 Q. Based on your review of it, what does it 19 appear to be? 20 MR. TIMMERMAN: Object on foundation 21 grounds. 22 You can answer. 23 THE WITNESS: Looks like 24 conversation or email chain with MDE folks 25 talking about demographic breakdown of students</p>	<p style="text-align: right;">Page 89</p> <p>1 from the Department of Education? 2 A. I've been on the job for a year. So in 3 my year, yes. 4 Q. What other kinds of requests have you 5 seen come through? 6 A. Somebody could potentially have a 7 question about budget. Someone might have a 8 budget question. The impact on -- you know, 9 Senator Kunesh, impact on American Indian 10 education or some data. They want some 11 analytics or some data with that. So I'm sure 12 there's more than a few. 13 Q. Okay. Are you usually informed when a 14 sender makes a request like that? 15 A. No. 16 Q. Does it ever come to your attention? 17 A. If somebody brings it up. If government 18 relations team or -- yeah, because this is 19 Megan, so she's part of that. Megan Arriola, 20 she's part of the government relations team. 21 Q. So if you turn to page 7, MDE ending 22 1718 -- 23 A. Okay. 24 Q. -- down near the bottom of the page, the 25 lower half, there's an email from Megan Arriola</p>

<p style="text-align: right;">Page 90</p> <p>1 on March 7th at 12:33 p.m. 2 Do you see that email? 3 A. Say that one more time, please. 4 Q. Down near the bottom, do you see that 5 message? 6 A. Beginning with the word "Kat"? 7 Q. Yes. Can you read the sentence 8 beginning with, "The Senator's main 9 request..."? 10 A. Yes. "The Senator's main request is for 11 race/ethnicity of the student bodies of Crown 12 and Northwestern's programs specifically, but 13 also the numbers for private PSIs as a whole. 14 We are also okay with this data spanning a 15 biennium if that would alleviate some of the 16 data privacy concerns." 17 Q. Thank you. In your experience, is it 18 common for senators to request information 19 specifically about two institutions? 20 A. I do not know. 21 Q. Have you ever seen that happen? 22 A. Here. I'm looking at it. 23 Q. Uh-huh. 24 A. So, yes, I witnessed it here. 25 Q. Other than this occasion?</p>	<p style="text-align: right;">Page 92</p> <p>1 aware. 2 Q. Okay. Do you recall how you first 3 became aware that she had requested this 4 information? 5 A. I do not recall. I'm going to make the 6 assumption government relations team. 7 Q. Would they have elevated it to you? 8 A. They would have brought it to my 9 awareness, yes. 10 Q. Why would they would brought something 11 like this to your awareness? 12 A. Because I'm the commissioner. I was 13 new. And so they were bringing me what I 14 perceived as pertinent information. 15 Q. Why would it be pertinent information? 16 Pertinent to what? 17 A. To this policy. 18 Q. Why would it be pertinent to the policy? 19 A. The amendment change. 20 Q. Why would it be pertinent to the 21 amendment change? 22 A. Trying to have all the facts, all the 23 information, all the -- it looks as if I would 24 have asked or Senator Kunesh would have wanted 25 to know, given me all the analytics, the data</p>
<p style="text-align: right;">Page 91</p> <p>1 A. No. 2 Q. Are you aware of it happening prior to 3 your time at the Department of Education? 4 A. I have no idea, so no. 5 Q. Were you aware that Senator Kunesh had 6 requested this information? 7 A. No. 8 Q. Let's turn to page 1717. The bottom of 9 that page there's an email from Adosh Unni 10 beginning with, "Just an update on this." 11 Do you see that message? 12 A. Yes. 13 Q. Can you read the line beginning with, 14 "The commissioner would like..."? 15 A. "The commissioner would like to see this 16 information first, so I am hoping we can 17 generate for him internally." 18 Q. Thank you. That's good. Thank you. 19 Did you request to see this information before 20 it went to Senator Kunesh? 21 A. Say that one more time, please. 22 Q. Did you request to see this information 23 before it went to Senator Kunesh? 24 A. I would have asked to let me see what 25 was going to Senator Kunesh so that I would be</p>	<p style="text-align: right;">Page 93</p> <p>1 who this is impacting. 2 Q. And she was specifically asking about 3 Crown and Northwestern, correct? 4 MR. TIMMERMAN: Objection, asked and 5 answered. 6 You can answer again. 7 THE WITNESS: I have to look at the 8 document to -- yep. It says, "The Senator's 9 main request," so yes. 10 BY MR. FLESHMAN: 11 Q. Did you see this information before it 12 went to Senator Kunesh? 13 A. I do not know. 14 Q. Okay. 15 A. Or I do not recall. 16 Q. Did Senator Kunesh ever discuss this 17 information with you? 18 A. Not that I remember, so I don't recall. 19 Q. If this data was provided to you, would 20 it have been over email, they would have just 21 sent you the data? 22 A. It could have been potentially email, or 23 someone says it out loud to me. 24 Q. In, like, a cabinet meeting or in 25 another setting?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Yeah, another setting, passing.</p> <p>2 Q. Okay.</p> <p>3 A. Yeah.</p> <p>4 Q. Did you ever ask Senator Kunesh why she</p> <p>5 wanted this information?</p> <p>6 A. Not that I recall. I think I -- it was</p> <p>7 speaking specifically to her. Not that I</p> <p>8 recall.</p> <p>9 Q. Did you ask anybody else why Senator</p> <p>10 Kunesh would want this information?</p> <p>11 A. No.</p> <p>12 Q. Did you speak to any other Senators</p> <p>13 about this information?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Do you know whether Senator Kunesh</p> <p>16 shared this data with the committee?</p> <p>17 A. I do not remember that.</p> <p>18 Q. Did you make any assumptions at the time</p> <p>19 about why she wanted this data?</p> <p>20 A. Besides the fact that she's trying to</p> <p>21 get the whole picture, no.</p> <p>22 Q. By "the whole picture," you mean a</p> <p>23 picture of the impact of the legislation?</p> <p>24 A. Impact on all students.</p> <p>25 Q. On all students, and all postsecondary</p>	<p style="text-align: right;">Page 96</p> <p>1 to that inquiry then, to the policy?</p> <p>2 MR. TIMMERMAN: Objection, vague,</p> <p>3 calls for speculation.</p> <p>4 You can answer if you know.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 BY MR. FLESHMAN:</p> <p>7 Q. Would it have been relevant to you in</p> <p>8 your deciding whether to support the amendment,</p> <p>9 what the impact was on the institutions?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. Because, again, my focus is on the</p> <p>13 impact on the young person, on the student.</p> <p>14 Q. Okay. And what potential impacts did</p> <p>15 you consider in forming your support for the</p> <p>16 amendment?</p> <p>17 A. Access and opportunity, barriers.</p> <p>18 Q. Uh-huh. Okay. And that's the only --</p> <p>19 A. Uh-huh.</p> <p>20 Q. That's it. Okay. Did any private</p> <p>21 citizens ever reach out to you about the</p> <p>22 amendment, so not schools, not Senators or</p> <p>23 legislators, but just any students or parents</p> <p>24 or anybody like that?</p> <p>25 A. I do not recall.</p>
<p style="text-align: right;">Page 95</p> <p>1 institutions?</p> <p>2 A. Can you repeat your question one more</p> <p>3 time, please?</p> <p>4 Q. Yes. You said the impact on students.</p> <p>5 Would she also have wanted to know about the</p> <p>6 impact on the PSEO providers, the schools?</p> <p>7 MR. TIMMERMAN: Objection, calls for</p> <p>8 speculation.</p> <p>9 THE WITNESS: I do not know that.</p> <p>10 BY MR. FLESHMAN:</p> <p>11 Q. Would you have wanted to know that</p> <p>12 information?</p> <p>13 A. Would I have wanted to know what</p> <p>14 information?</p> <p>15 Q. The impact on the schools.</p> <p>16 A. I would have -- as an -- I would want to</p> <p>17 know the impact upon the students.</p> <p>18 Q. Would the impact on the schools have</p> <p>19 been -- why wouldn't you have wanted to know</p> <p>20 the impact on the schools then?</p> <p>21 A. Willie Jett, the commissioner's</p> <p>22 blinders, I'm always looking at the impact on a</p> <p>23 kid, on students, so that's my focus.</p> <p>24 Q. So that's your focus. But would the</p> <p>25 impact on the institutions have been relevant</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Do you know if anybody ever reached out</p> <p>2 to the Department of Education regarding the</p> <p>3 amendment?</p> <p>4 A. I do not know.</p> <p>5 Q. Did any private groups or organizations</p> <p>6 other than schools reach out to you about the</p> <p>7 amendment?</p> <p>8 A. I do not recall.</p> <p>9 Q. Do you know if any private groups or</p> <p>10 organizations ever reached out to anybody at</p> <p>11 the Department of Education about the</p> <p>12 amendment?</p> <p>13 A. I do not know.</p> <p>14 Q. Did you ever speak with anybody from the</p> <p>15 organization People for PSEO?</p> <p>16 A. People for PSEO, I'm trying to think of</p> <p>17 who that is. So Joe Nathan. And there's other</p> <p>18 individuals. So have I ever spoke with them?</p> <p>19 The answer is yes. Do I know if it was</p> <p>20 specific to this? I do not know that part.</p> <p>21 MR. FLESHMAN: Why don't we go ahead</p> <p>22 and take a break.</p> <p>23 (Off the record 11:16 to 11:32.)</p> <p>24 BY MR. FLESHMAN:</p> <p>25 Q. Commissioner Jett, before the break, you</p>

<p style="text-align: right;">Page 98</p> <p>1 were talking about your role. You focus on</p> <p>2 what the impact of the policies are going to be</p> <p>3 on the students, is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. And would you say that the impact on an</p> <p>6 institution is secondary to the impact on the</p> <p>7 student?</p> <p>8 A. My personal view, because I've always</p> <p>9 been student-centered, and so, yeah, that would</p> <p>10 be secondary.</p> <p>11 Q. Do you know if other people at the</p> <p>12 Department of Education also hold that view?</p> <p>13 A. I do not know.</p> <p>14 Q. Okay. Did you think about how the</p> <p>15 potential impact of the amendment on an</p> <p>16 institution would have an effect on any</p> <p>17 students that want to attend that institution?</p> <p>18 A. Can you say that one more time, please?</p> <p>19 Q. Yeah. So in forming your opinion about</p> <p>20 the amendment, did you think about how the</p> <p>21 impact on affected institution would have a</p> <p>22 trickle-down effect on students?</p> <p>23 A. Yes.</p> <p>24 Q. What did you think about that or what</p> <p>25 information did you consider?</p>	<p style="text-align: right;">Page 100</p> <p>1 about going to, now they would not have access</p> <p>2 to that. That's what I mean by that.</p> <p>3 Q. If an institution stops offering PSEO</p> <p>4 courses, would the student have access to those</p> <p>5 courses anymore?</p> <p>6 A. At that particular institution, no.</p> <p>7 Q. Would that affect the -- do you know</p> <p>8 whether other institutions have a limited</p> <p>9 number of PSEO students that they can accept,</p> <p>10 like a capacity limitation?</p> <p>11 A. I do not know.</p> <p>12 Q. Do you know whether students compete to</p> <p>13 be accepted to PSEO programs at institutions in</p> <p>14 Minnesota?</p> <p>15 A. I do not know.</p> <p>16 Q. Would you expect that to be the case?</p> <p>17 A. That there's a limited number of seats?</p> <p>18 Yes.</p> <p>19 Q. So if one institution, two institutions</p> <p>20 were to disappear, no longer offer a PSEO</p> <p>21 program, would that reduce the overall number</p> <p>22 of seats that are available to PSEO students in</p> <p>23 Minnesota?</p> <p>24 MR. TIMMERMAN: Objection, calls for</p> <p>25 speculation.</p>
<p style="text-align: right;">Page 99</p> <p>1 A. My hope was or is that the amendment</p> <p>2 removes barriers for students.</p> <p>3 Q. Uh-huh.</p> <p>4 A. That's what I thought.</p> <p>5 Q. And if an institution stops offering</p> <p>6 PSEO because of the amendment, would that be a</p> <p>7 positive impact for students?</p> <p>8 A. It would potentially decrease the amount</p> <p>9 of or the number of institutions, so that would</p> <p>10 not be a positive impact. But in terms of</p> <p>11 providing equity or access and opportunity, it</p> <p>12 would be a positive impact.</p> <p>13 Q. How do you mean -- can you explain what</p> <p>14 you mean by that positive impact on equity or</p> <p>15 access?</p> <p>16 A. As I've said earlier, in terms of</p> <p>17 removing a barrier, so what the amendment is or</p> <p>18 what we're discussing is for a student to</p> <p>19 not -- how do I get this correct? The way that</p> <p>20 it is without the amendment, students now have</p> <p>21 to discuss their faith to get into an</p> <p>22 institution. So if they choose to do that,</p> <p>23 they would have to -- in other words, if they</p> <p>24 don't believe in or if their faith is different</p> <p>25 than the institution that they were thinking</p>	<p style="text-align: right;">Page 101</p> <p>1 You can answer if you know.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MR. FLESHMAN:</p> <p>4 Q. Would you expect that it would reduce</p> <p>5 the number of available seats?</p> <p>6 A. Not necessarily.</p> <p>7 Q. Why not necessarily?</p> <p>8 A. Because students could potentially</p> <p>9 choose -- so it depends on how you're answering</p> <p>10 the question. So certain institutions might</p> <p>11 only have ten students attending at the moment.</p> <p>12 But now because they can't choose, or the other</p> <p>13 institutions it's not offered there, or that</p> <p>14 program is not there, that other institution</p> <p>15 might have the capability of doing 20 to 25 or</p> <p>16 30, and now those students potentially could</p> <p>17 choose the others. So I don't know if it would</p> <p>18 technically reduce the seats. But if you're</p> <p>19 talking about the overall -- if you're talking</p> <p>20 about the capacity of each institution, then</p> <p>21 yes, it would be reducing the number of seats.</p> <p>22 Q. Okay. Are you aware that there are</p> <p>23 students in Minnesota that want to attend PSEO</p> <p>24 at institutions that have a faith statement</p> <p>25 requirement?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. Yes.</p> <p>2 Q. How were you made aware of that?</p> <p>3 A. Because students attend -- how was I</p> <p>4 made aware of that?</p> <p>5 Q. Uh-huh.</p> <p>6 A. As the commissioner, I'm made aware of</p> <p>7 that because Crown College, Northwestern met</p> <p>8 with them, and this was a thing in one of the</p> <p>9 policies, so it became a thing that there's</p> <p>10 faith-based statements for particular</p> <p>11 institutions. That's how I was made aware of</p> <p>12 it.</p> <p>13 Q. Okay. Did you consider the impact on</p> <p>14 the amendment on those students that want to</p> <p>15 attend at Crown College and Northwestern in</p> <p>16 particular?</p> <p>17 A. Specifically, no.</p> <p>18 Q. Okay. And did you consider the impact</p> <p>19 on students that want to attend an institution</p> <p>20 with a faith statement requirement?</p> <p>21 A. Say that again one more time. So in</p> <p>22 other words, if I'm a student who wanted to</p> <p>23 attend the faith-based institution, and now</p> <p>24 because the what?</p> <p>25 Q. Because the amendment, what's the impact</p>	<p style="text-align: right;">Page 104</p> <p>1 A. About this particular amendment, no.</p> <p>2 Q. Okay. Did you think that the -- were</p> <p>3 you aware that there would be students and</p> <p>4 their families testifying before the</p> <p>5 committee --</p> <p>6 A. No.</p> <p>7 Q. -- on those dates?</p> <p>8 A. No.</p> <p>9 Q. Did you think it would be important to</p> <p>10 listen to what those students and their</p> <p>11 families were saying about the potential impact</p> <p>12 of the amendment on their PSEO education?</p> <p>13 A. Being that I didn't know the first</p> <p>14 question you asked me before that, and I said</p> <p>15 no, I didn't know if students or families would</p> <p>16 be testifying. To answer this question, no.</p> <p>17 Q. You mentioned earlier somebody named Joe</p> <p>18 Nathan.</p> <p>19 A. Yes.</p> <p>20 Q. People for PSEO?</p> <p>21 A. I know I mentioned Joe, yes.</p> <p>22 Q. Who is Joe Nathan?</p> <p>23 A. Joe is like a -- I want to use the term</p> <p>24 "news reporter." At least that's how I know</p> <p>25 Joe. I also know there was one time when I</p>
<p style="text-align: right;">Page 103</p> <p>1 on the student that wants to attend an</p> <p>2 institution that has a faith statement</p> <p>3 requirement; did you consider that?</p> <p>4 A. No.</p> <p>5 Q. We talked a little bit before about your</p> <p>6 testimony before the committees. Did you --</p> <p>7 were you aware that people came to testify at</p> <p>8 those committee meetings in opposition to the</p> <p>9 amendment?</p> <p>10 A. No. Did not know the legislative</p> <p>11 process at that time.</p> <p>12 Q. Did you know that there would be other</p> <p>13 people testifying at those committee meetings</p> <p>14 after you?</p> <p>15 A. Sure. Yes.</p> <p>16 Q. Did you stay to listen to any of those</p> <p>17 testimonies?</p> <p>18 A. Not sure specific to this one. There</p> <p>19 were times where I sat trying to learn the</p> <p>20 legislative process, but not sure if it was for</p> <p>21 this one.</p> <p>22 Q. You don't recall whether you decided</p> <p>23 after testifying to stay and listen to other</p> <p>24 people discussing their -- people discussing</p> <p>25 their views about the amendment?</p>	<p style="text-align: right;">Page 105</p> <p>1 mentioned the other person, I don't know his</p> <p>2 name, I think this other person said the term</p> <p>3 that you used or the organization that you</p> <p>4 used.</p> <p>5 Q. People for PSEO?</p> <p>6 A. Yeah. So I think somebody spoke to me</p> <p>7 from that. And I don't know if Joe said he's</p> <p>8 part of that. I just know as he was</p> <p>9 questioning, conducting the interview he used</p> <p>10 that terminology. So I don't know if he's part</p> <p>11 of that.</p> <p>12 Q. So Joe interviewed you about -- what did</p> <p>13 he interview you about?</p> <p>14 A. Joe talked to me specifically about,</p> <p>15 give me a hot second, schools reporting or</p> <p>16 districts reporting the number of students</p> <p>17 having access to -- there's this thing -- so</p> <p>18 nothing about this. Okay? So Joe talked to me</p> <p>19 nothing about faith based or any of the</p> <p>20 amendment. Joe's reporting has always been</p> <p>21 about school districts across the state</p> <p>22 providing the opportunity for students to be in</p> <p>23 PSEO or to take part in PSEO courses, so</p> <p>24 nothing about this (indicating). I just had my</p> <p>25 conversation with Joe about districts being</p>

<p style="text-align: right;">Page 106</p> <p>1 able to offer PSEO or districts offering PSEO</p> <p>2 to their students and notifying their families</p> <p>3 of the opportunity. That's been his focus with</p> <p>4 me.</p> <p>5 Q. Okay. When you say "districts offering</p> <p>6 PSEO," do you mean school districts offering</p> <p>7 the concurrent enrollment stuff at their --</p> <p>8 A. Correct.</p> <p>9 Q. -- local high schools or their private</p> <p>10 schools or whatever?</p> <p>11 A. Correct.</p> <p>12 Q. You mentioned somebody else whose name</p> <p>13 you couldn't recall from the People for PSEO.</p> <p>14 Did you discuss the amendment with them?</p> <p>15 A. Not that I recall, because it was in</p> <p>16 conjunction with Joe Nathan. So, like, he put</p> <p>17 them in contact with me, or they were on the</p> <p>18 phone call at the same time.</p> <p>19 Q. Okay. And do you know if anybody from</p> <p>20 within the Department of Education ever spoke</p> <p>21 with people from -- with somebody from People</p> <p>22 for PSEO?</p> <p>23 A. I do not know.</p> <p>24 Q. And you mentioned earlier that you met</p> <p>25 with the presidents from both Crown College and</p>	<p style="text-align: right;">Page 108</p> <p>1 color?</p> <p>2 A. That this -- that they provide -- that</p> <p>3 they had a significant number of students of</p> <p>4 color participating.</p> <p>5 Q. And did they express that if the</p> <p>6 amendment went into effect, they would no</p> <p>7 longer be able to provide opportunities for</p> <p>8 those students?</p> <p>9 A. Correct.</p> <p>10 Q. Did that concern you at all?</p> <p>11 A. I asked a specific question, because,</p> <p>12 yes, it concerned me when they said that. And</p> <p>13 I asked the specific question that -- I said:</p> <p>14 Interesting. Can you give me how many students</p> <p>15 of color participate? And I don't remember the</p> <p>16 exact number, but they gave the overall student</p> <p>17 population that's enrolled in that. And then</p> <p>18 they named a number of students. If they said</p> <p>19 this percent -- so I'm just going to make this</p> <p>20 up. But if they said it impacts 25 percent --</p> <p>21 25 percent of our students are of color. And</p> <p>22 then I said: Okay. How many -- give me how</p> <p>23 many students are in the program. And how many</p> <p>24 students exactly is that? That's the</p> <p>25 information they gave me.</p>
<p style="text-align: right;">Page 107</p> <p>1 University of Northwestern, is that right?</p> <p>2 A. Correct.</p> <p>3 Q. Do you recall when that was?</p> <p>4 A. Give me a hot second to look it up for</p> <p>5 you. That meeting took place March 13th, 2023.</p> <p>6 Q. What did you discuss during that</p> <p>7 meeting?</p> <p>8 A. For me, it was basically listening.</p> <p>9 They told me the impact on their respective</p> <p>10 institutions, their -- they gave me their</p> <p>11 thoughts in terms of why they did not support</p> <p>12 that. That was it.</p> <p>13 Q. Did you take any notes during that</p> <p>14 meeting?</p> <p>15 A. No.</p> <p>16 Q. What did they say would be the impact on</p> <p>17 their institutions?</p> <p>18 A. They got into them not being able to</p> <p>19 provide opportunities for students, limiting of</p> <p>20 that. And then they also discussed -- they had</p> <p>21 a question about students not necessarily lower</p> <p>22 demo -- lower socioeconomic status but students</p> <p>23 of color. That was one of the information</p> <p>24 points.</p> <p>25 Q. What did they say about the students of</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Okay. You said that when they raised</p> <p>2 this impact on the students of color, that gave</p> <p>3 you some concern. What was the concern that</p> <p>4 you felt?</p> <p>5 A. The same thing about equity --</p> <p>6 Q. Uh-huh.</p> <p>7 A. -- that I said earlier. So I was just</p> <p>8 trying to understand the access and</p> <p>9 opportunity.</p> <p>10 Q. Okay. And what do you mean by "equity"?</p> <p>11 A. Are we creating barriers for students?</p> <p>12 So this is one of those things, are we creating</p> <p>13 another -- a barrier for students of color?</p> <p>14 Q. And did the schools express to you that</p> <p>15 the amendment would be a barrier for students</p> <p>16 of color?</p> <p>17 A. They believed it would be, yes.</p> <p>18 Q. How did you respond to that?</p> <p>19 A. With what I just said earlier in terms</p> <p>20 of could they gave me specific numbers.</p> <p>21 Q. When they gave you those specific</p> <p>22 numbers, how did you respond?</p> <p>23 A. I just thanked them for the information.</p> <p>24 Q. Did you consider whether this would</p> <p>25 actually -- in your view, did the amendment</p>

<p style="text-align: right;">Page 110</p> <p>1 pose a barrier to these students?</p> <p>2 A. It would not pose a barrier unless those</p> <p>3 institutions chose to keep their faith-based</p> <p>4 statement.</p> <p>5 Q. So if Crown and Northwestern stopped</p> <p>6 offering PSEO, would that be a barrier to these</p> <p>7 students of color to attend PSEO?</p> <p>8 A. At Crown or Northwestern, yes.</p> <p>9 Q. More than the faith statement?</p> <p>10 MR. TIMMERMAN: Objection, calls for</p> <p>11 speculation.</p> <p>12 You can answer if you know.</p> <p>13 THE WITNESS: I don't understand the</p> <p>14 question, so I'm going to say I don't know.</p> <p>15 BY MR. FLESHMAN:</p> <p>16 Q. Okay. If the school stopped offering</p> <p>17 PSEO classes, so nobody is taking PSEO on</p> <p>18 campus --</p> <p>19 A. At those two universities?</p> <p>20 Q. -- at those two universities.</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- would that be more of a barrier for</p> <p>23 the students of color who were previously</p> <p>24 attending than a statement of faith would be?</p> <p>25 MR. TIMMERMAN: Objection, calls for</p>	<p style="text-align: right;">Page 112</p> <p>1 That they needed to be addressed, I believe, in</p> <p>2 the amendment, so I supported the amendment.</p> <p>3 Q. You supported the amendment. Why didn't</p> <p>4 you think that their concerns about the</p> <p>5 amendment needed to be addressed?</p> <p>6 A. I needed to understand what their</p> <p>7 thought process was or that I have all the</p> <p>8 information. But then after listening to their</p> <p>9 concerns or their perspective, I still felt</p> <p>10 that the amendment -- that without the</p> <p>11 amendment there's barriers for students. And</p> <p>12 so with the amendment it's about removing</p> <p>13 barriers, equity, access, opportunity.</p> <p>14 Q. So did you think that their concerns</p> <p>15 were unfounded?</p> <p>16 A. I understood them, but I didn't think</p> <p>17 that -- and I don't think that their concerns</p> <p>18 addressed the barriers that it raises.</p> <p>19 Q. What do you mean by "the barriers that</p> <p>20 it raises"?</p> <p>21 A. As I said earlier, for a student to have</p> <p>22 to now fill out or do the faith-based statement</p> <p>23 if they want to attend on campus, and if I'm --</p> <p>24 I'll use this as an example, if I'm of a</p> <p>25 different faith, all of a sudden now I have</p>
<p style="text-align: right;">Page 111</p> <p>1 speculation.</p> <p>2 You can answer if you know.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 BY MR. FLESHMAN:</p> <p>5 Q. Do you think it would be a barrier?</p> <p>6 MR. TIMMERMAN: Same objection.</p> <p>7 THE WITNESS: Same response.</p> <p>8 BY MR. FLESHMAN:</p> <p>9 Q. Prior to that meeting, were you aware of</p> <p>10 their admissions requirements?</p> <p>11 A. No.</p> <p>12 Q. Did they express any concerns that the</p> <p>13 amendment seemed to be targeting them</p> <p>14 specifically?</p> <p>15 A. Because they were institutions that have</p> <p>16 faith based, yes.</p> <p>17 Q. What did you think about that concern?</p> <p>18 A. I don't know if I'd use the term "duly</p> <p>19 noted," but I was listening to it.</p> <p>20 Q. Did you -- after that meeting, did you</p> <p>21 take any steps to address their concerns?</p> <p>22 A. No.</p> <p>23 Q. Did you think that their concerns needed</p> <p>24 to be addressed?</p> <p>25 A. I needed to understand their concerns.</p>	<p style="text-align: right;">Page 113</p> <p>1 to -- if I am someone else of a different</p> <p>2 faith, then I have to change my beliefs, or I</p> <p>3 have to be different, or in other words, not</p> <p>4 going to say being judged, but it's just a</p> <p>5 requirement that I have to do something</p> <p>6 different.</p> <p>7 Q. Are you aware that both Crown College</p> <p>8 and University of Northwestern offer online</p> <p>9 PSEO?</p> <p>10 A. Yes.</p> <p>11 Q. Are you aware that they do not require</p> <p>12 students to sign a statement of faith to take</p> <p>13 online PSEO courses?</p> <p>14 A. Yes.</p> <p>15 Q. Why does that not address the barrier</p> <p>16 problem, the barrier of the statement of faith,</p> <p>17 that they offer these courses to students of</p> <p>18 any faith without that requirement online?</p> <p>19 A. They can do it online. I understand</p> <p>20 that. When the student says: I would like go</p> <p>21 onto your campus or participate on campus, now</p> <p>22 Crown or any other university is saying: You</p> <p>23 cannot set foot on our campus.</p> <p>24 Q. So is it that there's a barrier to being</p> <p>25 on campus or a barrier to the access to the</p>

<p style="text-align: right;">Page 114</p> <p>1 credits?</p> <p>2 A. Talking about equity. And so if a</p> <p>3 student would like to set foot on campus, why</p> <p>4 are they being told that they cannot?</p> <p>5 Q. Uh-huh. So after meeting with the</p> <p>6 schools, did you recommend to anybody within</p> <p>7 the Department of Education that they should</p> <p>8 stop supporting the amendment?</p> <p>9 A. Did I recommend to anybody in MDE that</p> <p>10 we don't follow through with the amendment?</p> <p>11 Q. Uh-huh.</p> <p>12 A. No, not that I know of.</p> <p>13 Q. Did you recommend to any state</p> <p>14 representative that the amendment should be</p> <p>15 changed in any way?</p> <p>16 A. Not that I recall, no.</p> <p>17 Q. To the governor or his office?</p> <p>18 A. No.</p> <p>19 MR. FLESHMAN: Why don't we take a</p> <p>20 quick break, maybe five minutes, and we can</p> <p>21 come back.</p> <p>22 MR. TIMMERMAN: Okay.</p> <p>23 (Off the record 11:51 to 12:06.)</p> <p>24 BY MR. FLESHMAN:</p> <p>25 Q. Earlier we had been discussing barriers</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Potentially.</p> <p>2 Q. All right. And if Crown and</p> <p>3 Northwestern stopped offering PSEO altogether,</p> <p>4 their on-campus PSEO programs, that would be a</p> <p>5 barrier for all students who want to attend on</p> <p>6 campus there, correct?</p> <p>7 A. For those particular institutions, yes.</p> <p>8 Q. So this is really -- the amendment is</p> <p>9 really just about removing the faith statement</p> <p>10 requirement, correct?</p> <p>11 MR. TIMMERMAN: Objection, asked and</p> <p>12 answered.</p> <p>13 You can answer again.</p> <p>14 THE WITNESS: I would say yes.</p> <p>15 BY MR. FLESHMAN:</p> <p>16 Q. Earlier you said that if Crown and</p> <p>17 Northwestern chose not to offer PSEO on campus</p> <p>18 anymore, students who wanted to attend there</p> <p>19 could go to another institution potentially, is</p> <p>20 that right?</p> <p>21 A. Potentially, yes. That's what I said.</p> <p>22 Q. If a student doesn't want to sign the</p> <p>23 statement of faith, they could also go to one</p> <p>24 of these other institutions, isn't that right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 115</p> <p>1 for students to attend particular institutions.</p> <p>2 You would say that a -- the faith statement</p> <p>3 requirement is a barrier only for students of a</p> <p>4 different faith, correct?</p> <p>5 MR. TIMMERMAN: Objection, calls for</p> <p>6 speculation.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: Potentially.</p> <p>9 BY MR. FLESHMAN:</p> <p>10 Q. What do you mean by "potentially"?</p> <p>11 A. If I'm understanding your question</p> <p>12 correctly, you're saying if they are of a</p> <p>13 different faith, it could create a barrier,</p> <p>14 does it create a barrier for somebody within</p> <p>15 the same faith? I don't know that, so I say</p> <p>16 "potentially."</p> <p>17 Q. Okay. Would you expect that a student</p> <p>18 who shares the same faith with an institution,</p> <p>19 and who agrees with the statement of faith,</p> <p>20 that the statement of faith would be a barrier</p> <p>21 for that student?</p> <p>22 A. No.</p> <p>23 Q. So it would only be for students whose</p> <p>24 beliefs differ from the statement of faith that</p> <p>25 could potentially be a barrier for them?</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. So if the schools chose not to offer</p> <p>2 PSEO because they want to keep their statements</p> <p>3 of faith, the effect for the same -- the effect</p> <p>4 on those students is the same, correct?</p> <p>5 MR. TIMMERMAN: Objection, vague,</p> <p>6 calls for speculation.</p> <p>7 You can answer if you know.</p> <p>8 THE WITNESS: I don't understand the</p> <p>9 question, so --</p> <p>10 BY MR. FLESHMAN:</p> <p>11 Q. Okay.</p> <p>12 A. -- I don't know.</p> <p>13 Q. So a student who doesn't want to sign</p> <p>14 the statement of faith has to go to a different</p> <p>15 institution, or they can go to an institution,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. If there is no PSEO requirement, that</p> <p>19 same student -- or if there is no PSEO offering</p> <p>20 at Northwestern, that same student has to go to</p> <p>21 a different institution, correct?</p> <p>22 A. Correct.</p> <p>23 Q. So the effect for that student is the</p> <p>24 same whether there's a statement of faith or no</p> <p>25 program at all, right, they have to go to a</p>

<p style="text-align: right;">Page 118</p> <p>1 different institution?</p> <p>2 MR. TIMMERMAN: Objection, calls for</p> <p>3 speculation.</p> <p>4 You can answer if you know.</p> <p>5 THE WITNESS: I'm lost. I</p> <p>6 apologize. So I don't understand.</p> <p>7 BY MR. FLESHMAN:</p> <p>8 Q. Okay. I'll try and ask it a little bit</p> <p>9 more clearly. So if I want to attend at the</p> <p>10 University of Northwestern, and I disagree with</p> <p>11 their statement of faith, then I can choose to</p> <p>12 go to a different institution instead?</p> <p>13 A. Correct.</p> <p>14 Q. All right. If Northwestern stops</p> <p>15 offering PSEO altogether, and I'm my same</p> <p>16 person, and I want to go to Northwestern, but I</p> <p>17 can't because they don't offer PSEO anymore --</p> <p>18 A. Okay.</p> <p>19 Q. -- then I can still go to a different</p> <p>20 institution --</p> <p>21 A. Yes.</p> <p>22 Q. -- am I in any different position now</p> <p>23 because Northwestern no longer offers PSEO?</p> <p>24 A. If I'm understanding the question the</p> <p>25 way you just phrased it, no.</p>	<p style="text-align: right;">Page 120</p> <p>1 Northwestern is one of your largest PSEO</p> <p>2 providers in Minnesota?</p> <p>3 A. Yes, I know that.</p> <p>4 MR. FLESHMAN: I think those are all</p> <p>5 the questions we have for now. We would like</p> <p>6 to keep the deposition open while we review all</p> <p>7 the documents that just came in.</p> <p>8 MR. TIMMERMAN: No questions for me.</p> <p>9 We will read and sign.</p> <p>10 (Deposition concluded at 12:13 p.m.)</p> <p>11 *****</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. I don't have any additional</p> <p>2 opportunities open to me because Northwestern</p> <p>3 stopped offering PSEO?</p> <p>4 A. No.</p> <p>5 Q. Okay. So do you think that Crown and</p> <p>6 Northwestern should drop their statements of</p> <p>7 faith for PSEO admissions?</p> <p>8 A. That's their personal preference, but I</p> <p>9 believe that the amendment that's there is fair</p> <p>10 or is right for students across the state of</p> <p>11 Minnesota.</p> <p>12 Q. Do you believe that it's fair for</p> <p>13 institutions across Minnesota?</p> <p>14 A. Yes.</p> <p>15 Q. Even though only a couple of</p> <p>16 institutions will actually be affected by it?</p> <p>17 A. Yes.</p> <p>18 Q. Even if it violates their religious</p> <p>19 beliefs?</p> <p>20 MR. TIMMERMAN: Objection, calls for</p> <p>21 a legal conclusion.</p> <p>22 You can answer if you know.</p> <p>23 THE WITNESS: Don't know.</p> <p>24 BY MR. FLESHMAN:</p> <p>25 Q. Are you aware that the University of</p>	<p style="text-align: right;">Page 121</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 STATE OF MINNESOTA)</p> <p>3) ss.</p> <p>4 COUNTY OF HENNEPIN)</p> <p>5 I hereby certify that I reported the</p> <p>6 deposition of COMMISSIONER WILLIE JETT on</p> <p>7 Wednesday, February 7, 2024, in Minneapolis,</p> <p>8 Minnesota, and that the witness was by me first</p> <p>9 duly sworn to tell the whole truth;</p> <p>10 That the testimony was transcribed by me</p> <p>11 and is a true record of the testimony of the</p> <p>12 witness;</p> <p>13 That the cost of the original has been</p> <p>14 charged to the party who noticed the deposition,</p> <p>15 and that all parties who ordered copies have been</p> <p>16 charged at the same rate for such copies;</p> <p>17 That I am not a relative or employee or</p> <p>18 attorney or counsel of any of the parties, or a</p> <p>19 relative or employee of such attorney or counsel;</p> <p>20 That I am not financially interested in the</p> <p>21 action and have no contract with the parties,</p> <p>22 attorneys, or persons with an interest in the</p> <p>23 action that affects or has a substantial tendency</p> <p>24 to affect my impartiality;</p> <p>25 That the right to read and sign the</p> <p>deposition transcript by the witness was reserved.</p> <p>WITNESS MY HAND AND SEAL THIS 19th day of</p> <p>February, 2024.</p> <p><i>Dana Anderson</i></p> <p>Dana Anderson, Notary Public, Hennepin County, MN</p> <p>My commission expires 1/31/2025</p>

<p style="text-align: right;">Page 122</p> <p>1 Jeffrey Timmerman, Esq. 2 jeffrey.timmerman@ag.state.mn.us 3 February 19, 2024 4 RE: Loe, Melinda And Mark v. Jett, Willie Et Al. 5 2/7/2024, Commissioner Willie Jett (#6425281) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 cs-midatlantic@veritext.com. 16 Return completed errata within 30 days from 17 receipt of testimony. 18 If the witness fails to do so within the time 19 allotted, the transcript may be used as if signed. 20 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>	<p style="text-align: right;">Page 124</p> <p>1 Loe, Melinda And Mark v. Jett, Willie Et Al. 2 Commissioner Willie Jett (#6425281) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Commissioner Willie Jett, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 11 _____ 12 Commissioner Willie Jett Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 17 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 123</p> <p>1 Loe, Melinda And Mark v. Jett, Willie Et Al. 2 Commissioner Willie Jett (#6425281) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____ LINE____ CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____ LINE____ CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____ LINE____ CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____ LINE____ CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____ LINE____ CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Commissioner Willie Jett Date 25</p>	

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Rule 30

Rule 30.05 Review by Witness; Changes; Signing

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Rule 30.06(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

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